“DEUTERONOMY AND RHETORIC: THE ART OF PRACTICAL ARGUMENTATION IN ANCIENT ISRAEL”

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Abstract

The composition of the book of Deuteronomy reflects a phase of Israelite history when the Judean kingdom was undergoing an existential crisis that threatened its survival as a nation and the Israelites as a distinct people. The writers had the task of constructing a religious, social and legal program that would insure the survival of their people. As such, the book of Deuteronomy has long been recognized as a rhetorical work, as its aim is to persuade the Israelites to adhere to a set of laws, instructions, and teachings attributed by the writers to both God and Moses. The writers offered both strong incentives for compliance and equally strong disincentives for non-compliance. This core feature of Deuteronomy that requires the audience to make existential choices about preferred values and societal outcomes is what makes the discourse in Deuteronomy fully rhetorical.

Previously, scholarship has treated Deuteronomy's rhetorical character in piecemeal fashion. Comprehensive rhetorical analysis of Deuteronomy was hampered because the only available conceptual framework for understanding rhetoric and persuasion was that offered by the classical Greeks. This study concludes that while the descriptive categories of classical rhetoric are still useful, they insufficient for describing rhetorical argumentation in Deuteronomy. This study makes use of contemporary rhetorical critical method, literary critical thought and a significant revision to classical rhetorical theory proposed by Chaim Perelman and Lucie Olbrechts-Tyteca in 1958 called *The New Rhetoric*. Their theory of argumentation provides a set conceptual tools

that can be used to establish a rhetorical framework for the entire corpus of Deuteronomy based upon the use of informal logic and the establishment of value hierarchies.

This study unravels the rhetorical structure of Deuteronomy, and addresses the dual vision of its writers who in used rhetorical arguments to address the particular situational needs of their Israelite audience, as well as a universal audience that lay beyond that of the Israelite nation. In addition to Deuteronomy having become a basis of later Judaism, it was the ultimate success of the writers' vision that their appeal to a universal audience became one of Deuteronomy's most enduring legacies.

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Abbreviations

AIJR	Argumentation: An International Journal on Reasoning
AA	Argumentation and Advocacy
ABD	Anchor Bible Dictionary, 6 vols, ed. David Noel Freedman (New York: Doubleday, 1992).
AHR	Advances in the History of Rhetoric
ArOr	Archiv Orientalni
BASOR	Bulletin of the American School of Oriental Research
BibInt	Biblical Interpretation
Bib	Biblica
BTB	Biblical Theology Bulletin
CBQ	Catholic Biblical Quarterly
ClQ	Classical Quarterly
CCC	College Composition and Communication
CDS	Critical Discourse Studies
ChrLit	Christianity and Literature
CSSH	Comparative Studies in Society and History
CSSJ	Central States Speech Journal
HALOT	Hebrew and Aramaic Lexicon of the Old Testament, L. Koehler and W. Baumgartner, trans. M.E.J. Richardson et al. (Leiden: Brill, 1994-2000)
HM	History and Memory
HSJ	Hebrew Studies Journal
HTR	Harvard Theological Review
HUCA	Hebrew Union College Annual
IJ	Interpretation Journal

IRAQ	Iraq
JAAR	Journal of the American Academy of Religion
JAC	Journal of Advanced Communication
JAOS	Journal of the American Oriental Society
JBL	Journal of Biblical Literature
JCR	Journal of Communication and Religion
JETS	Journal of the Evangelical Theological Society
JHS	Journal of Hebrew Scriptures
JC	Journal of Communication
JP	Journal of Philosophy
JPS	Jewish Publication Society
JQR	Jewish Quarterly Review
JSB	Jewish Study Bible
JSem	Journal of Semitics
JSOT	Journal for the Study of the Old Testament
JSOT Suppl.	Journal for the Study of the Old Testament Supplement Series
JP	Journal of Pragmatics
NKLR	Northern Kentucky Law Review
LP	Law and Philosophy
OTE	Old Testament Essays
PR	Philosophy and Rhetoric
PMLA	Publication of the American Language Association
QJS	Quarterly Journal of Speech
RC	Review of Communication
RIP	Revue Internationale de Philosophie
RJHR	Rhetorica: A Journal for the History of Rhetoric
RSQ	Rhetoric Society Quarterly

SA	Social Anthropology
SRSR	Studies in Religion/Sciences Religieuses
VT	Vetus Testamentum
ZAW	Zeitschrift für die Alttestamentliche Wissenschaft

Introduction:

Deuteronomy and Rhetoric:

The Art of Practical Argumentation in Ancient Israel

The Origins of this Case Study

The origin of this study on the use of rhetorical argumentation and the art of persuasion in Deuteronomy evolved from research on the language of derision, rejection and separation found throughout the text of Deuteronomy. In my review, I cataloged the numerous instances of rejection towards other gods in general, foreign religious practices- e.g; places of worship, cultic objects, making idols and bowing down to them, the making of any types of images, divination, astral worship, false prophecy, necromancy, soothsaying, sorcery, dream diving, casting lots, magic spells, astrology, passing children through the fire, intermarriage, the ways of the foreign nations, and, a host of specific derogatory terminology associated with such practices. The narrator/authors of Deuteronomy reported that many of these practices were both abominable in the eyes of Yahweh and worthy of death and expulsion for anyone engaging in them. I identified ninety-eight negative references[1] to the rejected items just mentioned above, spread out over nineteen chapters and appearing in every recognized division of the text.[2] Present in the text is a derisive and rejecting polemic against all forms of apostasy together with a call for the rejection, destruction and utter obliteration of all mental and symbolic representations of it. No special argumentation

[1] See section 2.3: Categories of Apostasy.

[2] The Prologue (Dt.1-4); the Covenant at Horeb (Dt. 5-11); the Law Code (Dt. 12-26); Blessings and Curses (Dt. 27-28); First Supplement (Dt. 29-30); Second Supplement (Dt. 31-34).

is required to see that the polemic against idolatry, in all its forms, was of paramount importance to the worldview of Deuteronomy's narrator/authors. Because of its importance to the narrator/authors, I suspect that this polemic against all forms of apostasy, given in specific detail, was meant as both a signpost and crossroads for the Israelites and as a challenge to the worldview of those that embraced such practices both inside and outside the Israelite community. Among the other purposes we may identify, the narrator/authors seem to be attempting to lay down an intellectual marker on this particular matter that puts the audience on notice that important changes are underway. We will have occasion to explore this idea in this study, and further consider what part apostasy plays in Deuteronomy's rhetorical design.

Apostasy as a Rhetorical Problem in Deuteronomy

Upon reflection about the data I have referred to above, and looking at them within their narrative context, I had two realizations. The first was that the narrator/authors of Deuteronomy were expressing a high degree of anxiety about apostasy. This anxiety focused on certain specific behaviors they considered as existential breaches in Israel's spiritual boundaries and that were therefore identity negating. The wide range of rejected practices seems to be an imminent threat in Deuteronomy, and a matter close-at-hand to the lives of the narrator/authors. We may observe that it was a constraint upon their thoughts and actions. This conveys the rhetorical impression that these rejected ideas and practices were, no doubt, existing contemporaneously with the compositional efforts of the narrator/authors and considered by them to be a huge problem. It is important to note, however, that the impression given about the vast differences between Israelite and Canaanite religion on

display in the rhetoric of Deuteronomy is not necessarily an accurate reflection of reality of this relationship. Current scholarship tends to see Israelite religion as a subset of West Semitic religions generally.[3] Nonetheless, at the same time they were railing against apostasy in clear and unmistakable language, they were also creating rhetorical counter-arguments for specific types of behaviors that they did want the Israelites to engage in, namely, following the laws of Moses and all his rules, instructions, statues and ordinances. This second line of argumentation served to make the polemic against apostasy part of a larger rhetorical design. The purpose of this study, then, is to unravel the structure of this rhetorical design and describe it in terms of a rhetoric of practical argumentation based in modern critical approaches to situation and audience.

These preliminary gleanings about Deuteronomy's rhetorical nature spurred further research on the general topic of rhetoric and rhetoric in the ancient world. The gold standard of rhetoric in the ancient world is, of course, classical Greek rhetoric. I found, however, that Greek traditions of formal reasoning, dialectic and rhetoric as they have come to be understood have only limited utility when it comes actually analyzing the rhetorical argumentation that occurs in Deuteronomy. The reasons for this limited utility stems not only from a temporal dislocation of several centuries but also because Greek ideas about the scope and purpose of rhetorical argumentation are fundamentally different from the methods used and goals of the narrator/authors of Deuteronomy. In saying that Deuteronomy engages in a different type of rhetorical argumentation we need also to observe that it does not engage in argumentative

[3] Niehr (2010: 23-36), Smith (1990: xix-xxxiv), Smith (2001), Gnuse (1997: 62-128), Zevit (2001), Van der Toorn (1997).

discourse in the Greek sense of using formal reasoning to determine the validity of its conclusions.[4] Neither does Deuteronomy engage in the dialectical form of argumentation.[5] However, it is not entirely realistic, or useful, to sue for a divorce from Greek ideas and concepts when it comes to rhetoric, dialectic and formal reasoning, as they can be descriptively useful and many modern researchers still use them in Bible studies.

My research led me to become aware of the existence of a Hebrew rhetorical tradition quite apart from and independent of classical Greco-Roman tradition that has been explored in Biblical scholarship only to a limited degree.[6] Therefore, if we assert that the Hebrews had their own rhetorical traditions, we need another, non-Greek theory or method of argumentation that is able to apprehend what occurs in Deuteronomy. This is the case because while the Hebrews did not formally conceptualize their approach to rhetorical argumentation as did the Greeks, this does not mean that the Hebrews lacked an understanding of the nature and use of rhetoric argumentation for persuasive purposes.

The subject of the existence of rhetorical compositions across the entire Hebrew Bible is so broad that it is beyond the scope of this study. My focus,

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[4] Formal reasoning (or logic) is based on argument involving deductively necessary relationships and including the use of syllogisms and mathematical symbols. Formal reasoning (or logic) is what we think of as traditional logic or philosophical logic, namely the study of inference with purely formal and explicit content, such as the rules of formal logic that have come down to us from Aristotle. Arguments are determined to be either valid or invalid based solely on whether their conclusions necessarily follow from their explicitly stated premises or assertions. Levi (2001:450-461)

[5] Dialectic is the guided attempt to move to a higher understanding by engaged method of question and answer in which the soul and opinions of a single interlocutor are probed. Kastely (2001:221).

[6] Zulick (2003: 195-207), Watts (1995: 3-22), Watts (2009: 39-66), Rofe (1985:434-445), Metzger (2004: 165-181), Thurin (2002:77-92), O'Connell (1992: 492-509), Gitay (1996: 218-229), Frank (2003: 163-194), Edelman (2003: 113-125), Rofe (1985:434-445).

therefore, is to explain by what methods rhetoric and rhetorical argumentation in Deuteronomy can be understood and described. In my research, I became aware of a range of modern approaches to rhetoric, argumentation and rhetorical criticism that do not originate in religious studies departments, some of which began finding application to Bible studies starting in the late 1980s.[7] I will review and apply some of these modern critical approaches to rhetoric, dialectic and rhetorical argumentation in this study of Deuteronomy. In particular, I will use the work of Chaim Perelman and Lucie Olbrechts-Tyteca's The New Rhetoric. Their writings on rhetoric, dialectic and rhetorical argumentation in the mid twentieth century reoriented the general topic of rhetoric in important new directions which have a direct applicability to the type of argumentation one encounters in Deuteronomy.[8] I found these new approaches to rhetoric and rhetorical analysis valuable in that they provided insight and utility for understanding how Deuteronomy was structured, and how it went about the task of persuading the generation of Israelites that witnessed its creation to follow its program.

The Rhetorical Character of Deuteronomy

The definition of rhetoric embodies the art and means of persuasion and this is the meaning of the term that comes down to us from antiquity.[9] Deuteronomy is a rhetorical text in- so-far-as it engages in extended argumentation aimed at

[7] Bitzer (1968:1-14), Dozeman (1992: 712-715), Frank (2011:239-252), Greenwood (1970:418-426), Katz (1996: 1-12), Kennedy (1980: 120-160). MacDonald (2006: 203-224), Mazor (1986: 81-88), Mathews (2015: 145-162), O'Connell (1992: 492-509), Radzinowcz (1989: 77-89) Black (1978), Muilenburg (1969: 1-18).

[8] Perelman and Olbrechts-Tyteca (1969: 1-564).

[9] Bryant (1953:410-424).

persuasion and gaining the adherence of the Israelite audience(s) throughout the corpus. Deuteronomy intends to persuade its audience(s) to accept and embrace a broad set of laws, rules, ordinances, instructions, teachings, and religious practices for a future life in the land of Israel, all of which are to apply to all succeeding generations. It also offers strong disincentives for not adhering to its program as the narrator/authors have designed it. It was the intention of the narrators/authors of Deuteronomy to establish and convey their program for rhetorical purposes, based on the widest social basis of the population as the narrator/authors understood it in the era of Deuteronomy's creation.[10] Near the conclusion of Deuteronomy, in Dt. 30: 11-14, the narrator/authors describe the instructions that Moses had given as "not too baffling, not in the heavens, not beyond the sea, but something very close in the mouth and heart." In other words, they were something accessible and also necessary to embrace and observe. Something so close to the mouth and heart was something that must have touched the wellsprings of collective memory. In other words, something already well known to the populace, and not, something incomprehensible, or alien to them. If one wants to propose that Deuteronomy represents something "new" in the religious life of the Israelites then it was the narrator/authors reconfiguration of certain elements of Israel's cultural memory to create an obligation to follow the Mosaic teachings and at the same time tying this obligation to their ability to continue to possess the land. The narrator/authors employed a broad range of argumentative and persuasive strategies to accomplish very specific ends, but it was their engagement with and reorientation of collective

[10] See section 2.8 below.

memory that underpins the entire narrative enterprise. This was done in order to guide and assist the Israelite audience in realizing what was required of them to overcome their present historical circumstances. We will refer to these circumstances as their "rhetorical situation."[11] I will explore and attempt to validate the forgoing ideas in this study.

The Nature of Deuteronomy

S. Dean McBride wrote in his now classic 1987 paper on "The Purpose of Deuteronomy" that the book of Deuteronomy represented a new literary genre, which has no true peer or parallel in the legal corpora preserved in the preceding books of the Pentateuch. With it, he wrote, the narrator/authors created something quite distinct—a comprehensive social charter, perhaps uniquely appropriate to the particular covenantal identity it claimed for itself. One of McBride's most insightful and still pertinent comments was his view that Deuteronomy was the product of a mature reflection on Israelite identity.[12] His idea that Deuteronomy was a "mature" reflection of its identity leads in the direction of seeing Deuteronomy as more of a cultural preservation and existential rescue operation, given its historical context,

[11] Lloyd Bitzer (1968: 1-14) defined the term rhetorical situation by stating that a particular discourse come into existence because of some specific situation or exigence, which invites an utterance. He observed that every discourse has a context and a background of factors that brought the rhetor to the point where he/she felt required to say something. Rhetorical words, he wrote, belong to a class of things, which obtain their character from the circumstances of the historical context in which they occur. These factors can also be sociological, psychological or cultural. Bitzer believed that the situation controls the rhetorical response in the same way that the question controls the answer and the problem controls the solution.

[12] McBride (1987: 229-243).

than an identity formation project of the first instance.[13] In Deuteronomy, Israel's spiritual identity appears to be a well-formed matter, with a kind of knowledge that is shared both by the narrator/authors, and the audience. If this were not the case, it would be hard to present a program like Deuteronomy that had no currency in the population at large and expect the successful outcome that the narrator/authors obviously hoped would result. In Deuteronomy, the audience does not need to be taught about who they are; rather, they need to be persuaded to adhere to the full extent of the Mosaic teachings and to actively engage others to learn about it and follow it too. Identity formation, to the extent that it is involved in Deuteronomy, applies to the teaching of the written traditions to the children and the generations to come, not the generation that received it.

The Flow of this Study

Chapter One: *From Ancient Rhetorics to Modern Rhetorical Criticism.* In this chapter, I will briefly review how we got from the rhetorics of the classical Greeks and the Hebrew writers in the mid first millennium BCE, to the revival of interest in rhetoric in American academic circles in the early twentieth century. From there we will discuss the birth of rhetorical criticism and explain how and when it began to intersect with Hebrew and Christian bible studies.[14] We will explore the

[13] Deuteronomy's historical context is a highly debated topic. My focus here is rhetorical argumentation and issues mostly internal to the corpus. I simply note that Israelite society experienced a number of major crises and military destructions in the eighth through the sixth century BCE including the exilic period. Good arguments for its origin may be constructed for many parts of this two-hundred year period but I will not directly address this issue in this study.

[14] Radzinowcz (1989: 77-89).

reasons for the development of new rhetorical critical approaches to Biblical studies, the directions in which they developed in subsequent decades and the methods and aims that they pursued.

Chapter Two: *The Rhetorical Situation and the Audiences of Deuteronomy.* In this chapter, I discuss four critical views that shed light on the mindscape that both rhetors and audiences cohabit in a narrative text. In this regard, I explore the work of Lloyd Bitzer,[15] Lisa Ede and Andrea Lunsford,[16] and Walter Ong.[17] As we will see, the work of these scholars provides useful insights into the dynamics of the rhetor/audience relationship that help us understand Deuteronomy. Bitzer's introduction of the concept of the rhetorical situation describes the two-way communication and situational mutuality that exists between rhetors and the various audiences they address. Ede and Lunsford make the useful distinction between 'invoked' and 'addressed' audiences. This distinction helps us differentiate and clarify which audience is being addressed at any particular moment in a narrative text. Walter Ong's ideas reveal a process of mutual fictionalization,[18] which facilitates deep comprehensibility between a rhetor and their audiences. Ong's views are useful for understanding how and why a rhetorical text becomes effective and have a direct applicability to what we find in Deuteronomy. The

[15] Bitzer (1968: 1-14).

[16] Ede and Lunsford (1984: 155-171).

[17] Ong (1975: 9-21).

[18] Ong (1975:9-21) describes 'mutual fictionalization' as one of the major goals of persuasive argumentation. It fosters the creation of a deep bond of identification between the writer and the audience. In this process, the psychological distinction between them becomes blurred.

concepts of these scholars provide useful analytical tools for understanding the dynamic nature of the rhetorical transaction[19] that occurs in Deuteronomy

Chapter Three: *Perelman and Olbrechts-Tyteca's The New Rhetoric: How Their Revival and Redefinition of Rhetoric Helps Us Understand Argumentation in Deuteronomy.* In this chapter, I explore an important twentieth century theory of practical argumentation which sets out the concepts of non-formal and practical argumentation in contingent circumstances. Chaim Perelman and his colleague Lucie Olbrechts-Tyteca discovered what they called *The New Rhetoric*.[20] Their theories became very influential in the late twentieth century, and I will explain why this was the case. The heart of their model was their Argument Schemes.[21] We will review Perelman's ideas about rhetoric and argumentation and will see that many of the components of his Argument Schemes can comfortably find application to a text like Deuteronomy and thereby unlock the rhetorical design of the work. David A. Frank calls *The New Rhetoric* a "Jewish Counter-Model"[22] of rhetorical argumentation. In drawing from Jewish thought in creating the New Rhetoric, Perelman sought a rapproachment between Greek and Jewish thought. He did this by turning to Talmudic reasoning for notions unavailable or latent in

[19] Black (1974: 134) defines a rhetorical transaction as consisting of three parts: *strategies, situations* and *effects.* Rhetorical *strategies* refer to the characteristics of discourse, rhetorical *situations* refer to extra- linguistic influences on an audience and *effects* refer to responses to the strategies in the situations. The fact that these three factors interact suggest they are constituents of the same phenomenon. We call this phenomenon a rhetorical transaction.

[20] Ch. Perelman and L. Olbrechts-Tyteca (1969).

[21] See section 3.8: Argument Schemes.

[22] Frank (2003). See section 3.6: The New Rhetoric Project as a Jewish Counter-Model.

classical thought. Talmudic thought, Perelman observed, presented a view of truth, reason and logic that was meant to co-exist with the demonstrative reasoning found in classical thought, and which expanded dialectic with forms of reasoning not bound to propositional logic and the syllogism.[23] His work opened up a connection between rhetoric and non-formal reasoning about human value choices that was not previously recognized. I will explore the significance of this development for understanding argumentation in Deuteronomy.

Chapter Four: *Application of The New Rhetoric to Deuteronomy.* In this chapter, I will apply the theoretical ideas reviewed in Chapters Two and Three to the text of Deuteronomy to show how this furthers our understanding of Deuteronomy's style of argumentation and reveals its overall rhetorical design. We will be able to see how the narrator/authors used and modified important elements of Israel's spiritual reality and collective memory to counter the overwhelming threat of apostasy that they feared would lead to national disappearance.

Chapter Five: *Conclusion–The Enduring Legacy of Deuteronomy: Embracing the Particular and Reaching for the Universal.* In this concluding chapter, we will discuss the significance for Deuteronomy of the address to a universal audience made by the narrator/authors in Dt. 4:6. The idea of a universal audience in Deuteronomy stands in stark contrast to a corpus addressed mainly to the particular audience of Israelites. We will explore how the narrator/authors constructed their universal audience and what important issues they raised in the process. We will explore the implications

[23] Frank (1998: 117).

of the universal audience evaluating the effectiveness of Deuteronomy as a rhetorical treatise.

The aims of this Study:

(a) To evaluate and apply a number of contemporary rhetorical critical approaches to Deuteronomy to see how they may help to clarify the specifics of its rhetorical argumentation and design.

(b) To define and explain Deuteronomy's main premises, its style and the methods of rhetorical argumentation that it uses in the book.

(c)To explore multiple levels of meaning that analyzing the rhetorical structure of Deuteronomy might reveal with regard to the particular and universal audiences addressed by the narrator/authors of the text.

Chapter One

From Ancient Rhetorics to Modern Rhetorical Criticism:

A Brief Sketch of the Origins of Rhetoric in Antiquity through its Revival in the Twentieth Century—The Origins of Modern Rhetorical Criticism in Bible Studies

Abstract

In this Chapter, I will briefly trace how we got from ancient rhetoric to modern rhetorical criticism of the New Testament and Hebrew Bible. This review will discuss the origins of rhetoric in the Greek tradition and contrast that with rhetoric found in Deuteronomy. I will highlight the conflict between the Sophists and Plato and Aristotle in order to bring into focus the reasons why rhetoric got a bad reputation and how this reputation has affected rhetoric's status as a valid form of reasoning and argumentation from ancient times until the modern era. I will explore the modern revival of interest in the Sophists as well as the observation by numerous scholars that Sophistic methods and concerns are more well aligned with the concerns of a modern rhetorical critical approach than is generally acknowledged. This chapter will also explain why neo-Aristotelean methods of analysis while still important, are not well suited for rhetorical analysis of a Hebrew Bible text like Deuteronomy. I will also preview the choices I have made in selecting the work of Chaim Perelman and Lucie Olbechts-Tyteca's *The New Rhetoric* for analyzing rhetorical argumentation in Deuteronomy. This chapter will discuss the general scope and methodology of modern rhetorical criticism, as well as establish the overall approach of this study.

1.1 The Origins of Rhetoric in the Western Traditions

As a historical matter, rhetorical teaching and practice was in evidence from the time of Homeric and Hesiodic epics (ca. 750-650 BCE) to that of the Sophists, orators, dramatists, and philosophers of the fifth and fourth centuries BCE to Roman speakers and

writers beginning in the second centuries BCE to speeches, sermons, rhetorical poetry, and handbooks of composition dating from the time of the Roman Empire.[24] From those times until the present day, rhetoric has been a powerful force in public affairs and an important topic of consideration and inquiry. Rhetoric was, first and foremost, the art of persuasive speaking. As to the question of what rhetoric is, and what rhetoric can be, answers throughout history have varied pending on who was expressing an opinion on the subject.[25] The period of classical Greek rhetoric begins with the pre-Socratic[26] Sophistic Movement[27] during the fifth century BCE and ends with Saint Augustine (d. 430 CE). A "conceptualized" rhetoric, that is a self-conscience use of technique, is traditionally connected with fifth century BCE teachers, Tisias and Corax of Syracuse, who wrote handbooks on forensic or judicial oratory for the purpose of helping ordinary citizens argue cases in the law courts of Sicily. Another Sicilian, Gorgias of Leontini, is credited with introducing the art of rhetoric to Athens in c. 423 BCE with great success.[28]

A working definition of rhetoric might be that it selects from the vast realm of human discourse occasions for speaking and writing that can be considered persuasive in

[24] Kennedy (2001: 92-93), Lawson-Tancred (2004: 1-14).

[25] Lucaites and Condit (1999:19-24), Bryant (1953: 401-424).

[26] Bizzell and Herzberg (2001:19). Among the pre-Socratics were: Homer (c. 751-651 BCE), Solon (c. 630-560 BCE), Thales of Miletos (c. 624-546 BCE), Anaximader (c. 610-546 BCE, Pythagoras (c .570-490 BCE), Heraclitus (c. 535-475 BCE), Parmenides (c. 510-440 BCE), Zeno of Elea (c. 490-430 BCE), Gorgias (c.487-376 BCE), and others. Socrates is believed to have lived in the period (c. 470-399 BCE).

[27] Poulakos (1999: 32) identifies the major recognized Sophistic teachers of rhetoric as: Protagoras (c. 490-420 BCE), Gorgias (c. 490-380? BCE), Prodicus (c. 465-395 BCE), Antiphon (c. 480-411 BCE), Hippias (c. 460-399? BCE), Critias (c. 460-403 BCE), Thrasymachus (c. 459-400 BCE) and Isocrates (c. 426-338 BCE) and others).

[28] Kennedy (1980: 15-17).

intent. It categorizes the types of discourse it has selected, analyzes each of those types in terms of structure and purpose, and identifies the means for successfully constructing each type. In pursuing these goals, rhetoric comes to endorse codes for linguistic correctness and make taxonomies of artful ways to use language. It suggest resources for evidence and argument and gives rules for accurate reasoning. And it divides the mind into faculties to which persuasive appeals, both logical and psychological, can be addressed.[29]

As a theoretical body of knowledge, classical rhetoric was intended to teach public speaking. It was further conceptualized between the fourth century BCE and the early Middle Ages. Aristotle (384-322 BCE) systematized classical rhetoric and his system became rhetoric's touchstone. To a considerable extent it became a central part of western education up until the present, encompassing his trivium: (rhetoric, logic and grammar). The Sophists, Plato, Isocrates, Aristotle, philosophers of the Hellenistic period, and critics of the time of the Roman /Empire made contributions to this theory but the writings of Cicero, the anonymous *Rhetoric to Herennius,* and Quintillian's *Education of the Orator*, have been the primary sources for this in the Western tradition.[30] Thus, to speak of classical rhetoric is to speak of Aristotle's system and its elaboration by Cicero and Quintillian. Bizzell and Herzberg have written that the fundamental concerns of rhetoric in all ages appear to be those defined in the classical period: purpose, audience, composition, argumentation, organization and style. The

[29] Bizzell and Herzberg (2001: 2).

[30] Kennedy (2001: 93).

classical categories of rhetoric have persisted, and the larger theoretical questions of the status of knowledge as true or contingent remains unsettled.[31]

Certain early Greek philosophers were not of the same mind on the subject of rhetoric. A struggle ensued between the Sophists on the one hand and Socrates, Plato and Aristotle on the other hand, on the nature, role and methodology of rhetoric in public discourse. This dispute had a monumental impact on the reputation of the Sophists, and an equally significant impact on how rhetoric was understood and used, which has persisted and reverberated throughout the entire span of Western intellectual history. This debate between the Sophists and Socrates, Plato, and Aristotle, which I will briefly outline below, was still influential in the revival of interest in rhetoric that began in the early twentieth century in the American academy. The direction of the twentieth century rhetorical revival eventually intersected with and influenced the development and application of the rhetorical critical methods currently used by many researchers who work in the field of the Hebrew and Christian Bible studies.

1.2 *Early Greek Rhetoric: The Pre-Socratics in the Homeric-Sophistic Tradition*

The pre-Socratics left a certain legacy to Western habits of thought by their emphasis on *common sense, distance* and *curiosity*. Lawrence Rosenfield has written that this constellation of terms confirms the fundamental theme of Greek civilization, that man is a social animal who achieves unique dignity in the act of speech. It was this presumed degree of *common sense* among members of the polis that the arts of discourse

[31] Bizzell and Herzberg (2001: 7).

(rhetoric, poetics and dialectic)[32] became possible.[33] Both dialectic and rhetoric were forms of critical activity practiced in association with others, Rosenfield explains, and as such opened directly into the public and political realms of human activity. *Common sense,* in the way that the pre-Socratics understood it, Rosenfield observes, rested on the idea that being and appearance were fundamentally related. This gave rise to a "*common sense"* feature of reality which could be disclosed to all those who shared a comparable experiences. Rosenfield thought that this common foundation for public discourse was inseparable from its public expression. Rhetoric which addressed the entire membership of the polis depended upon this common sense as a precondition for public activity. [34]

On the subject of *distance*, Rosenfield writes, that the pre-Socratics cultivated a sense of critical detachment from objects under consideration. This sense of distance became realized through the direct apprehension of reality as it was given to the mind through the senses. Further, he writes, an observer achieved a sense of critical detachment or distance by taking the stance of one who brings a sense of tranquility, objectivity and impartiality in recognizing the order inherent in phenomena. This mental attitude would allow the observer to interpret and evaluate the reality given to his reason through his senses.[35] Where rhetoric as an activity sprang from the political grounds of common

[32] In Greek antiquity, dialectic was the term used to denote a particular argumentative technique in a discussion or debate. For the sake of debate, one of the interlocutors assumes a thesis, deduces a conclusion from this assumed thesis, a which conflicts with it and, on the basis of this contradiction, rejects the thesis. Dialectical argumentation is thus the art of arguing for and against something (van Eemeren 1996: 37).

[33] Rosenfield (1971: 65).

[34] Rosenfield (1971: 66).

[35] Rosenfield (1971: 67).

sense, Rosenfield wrote, it attained theoretical characteristics from the possibility of distance, which afforded consciousness in the Greek mind. *Curiosity* was the counterpart of commonsense and distance in the sense that it expressed a sense of wonder at the possibilities of what was achievable through mental effort based on common sense and distance. The pre-Socratic Greek mind exalted the intellect through acts of discourse, and held that thought was commensurate with its public display. Rhetorical theory as originally conceived was a discourse about discourses and was both political and theoretical. [36]

George A. Kennedy, a scholar of classical rhetoric who was instrumental in the development of modern rhetorical criticism in New Testament studies, observed that the sixth through fourth centuries in Greece was one of the most creative periods in history. Kennedy thought that the ferment of those centuries set the intellectual and artistic basis for western civilization and featured developments in rhetoric, philosophy, science, literature and the arts. According to Kennedy, Greek rhetoric had two distinct strands: towards general statements of rules applicable in all situations, and toward breaking down universals into categories and subcategories that better define the particulars. Kennedy observed that there were three distinct approaches to Greek rhetoric have persisted with varying degrees of prominence through western intellectual history.[37] The first was *technical* rhetoric, also thought of as a *technê*.[38] This strand of rhetoric was the

[36] Rosenfield (1971: 67).

[37] Kennedy (1999: 13).

[38] *Technê* is a term derived from Greek that is often translated as "craftsmanship," "craft" or "art." *Technê* is also a term in philosophy which resembles *epistēmē* in the implication of knowledge of principles, although *technê* differs in that its intent is making or doing as opposed to disinterested understanding.

most conceptualized and is the ancestor of the rhetorical handbooks of Roman antiquity. This type of pragmatic rhetoric grew out of the needs of the democracies of Athens and Syracuse and remained primarily concerned with public address. It focused on the role of the speaker at the expense of the audience and was characterized as the art of persuasion within its public context. A second approach was *Sophistic* rhetoric which emphasized the speaker rather than speech or the audience. Kennedy writes that Sophistic rhetoric was responsible for the image of the ideal orator leading society to noble fulfillment of national ideals. Some Sophistic rhetoric was deliberative and some was epideictic. The third strand, *philosophical* rhetoric, began with Socrates' objections to technical and Sophistical rhetoric in dialogues by Plato.[39] Philosophical rhetoric tended to de-emphasize the speaker and to stress the validity of the message and the effect on the audience. This type of rhetoric has close ties to dialectic and logic, to ethics and political theory, and to psychology. Its natural topic, Kennedy writes, is deliberation about the best interests of the audience, but the philosophical strand in discussions of rhetoric is often found in combination with technical or Sophistical rhetoric.[40] We can understand from the above discussion that the main types of rhetoric were closely related and, in many ways, overlapped with each other's methods and concerns.

The Sophistic movement coalesced in early fifth century BCE Athens and found its fullest expression in public discourse in a political or civic context.[41] The Sophists

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[39] Kennedy (1999: 14).

[40] Kennedy (1999: 15.)

[41] Rosenfield (1971: 66-67).

were also known as paid itinerant teachers who wandered from city to city and used the tools of epideictic demonstration, which were elaborate show speeches on mythological, historical, or philosophical subjects illustrating forms of argument and furnishing examples of stylistic experimentation.[42] Sophists were interested in natural philosophy but their main interests were in rhetoric, ethics, political theory and morality, and the theoretical epistemology of these subjects.[43]

The Sophists' main focus was on rhetoric and their doctrines were instrumental in shifting attention from the cosmological speculations of the pre-Socratics to anthropological investigations of a decidedly more practical character. Their goal was to turn a man into an effective citizen.[44] The collective thinking of the Sophists, John Poulakos has written, can be stated in several doctrines, which are oriented to being in this world. According to this orientation, man is the measure of all things. Knowledge is grounded in human perception and language. Words differ from the things they name. Language can represent both that which exists and that which does not. People are capable of and subject to persuasion. Social and political arrangements are the function of collective agreements brought about through persuasion. For every issue there are at least two arguments opposing one another. Justice in practical affairs is proscribed and regulated by the powerful. The existence of the gods is outside the capabilities of human

[42] Kennedy (2001: 95).

[43] van Eemeren (1996: 30).

[44] Poulakos (2001: 732-723).

knowledge; as humans understand them, the gods are human creations intended to exercise control over human behavior.[45]

The Sophists had some radical views for their time. For instance, Gorgias, one of the greatest Sophists, held that nothing really existed, that anything that existed would be unknowable, and if anything were knowable, it could not be communicated to others. Protagoras held that there was no such thing as objectively right or wrong conduct, simply conduct that was 'profitable' or 'useful' and that which was not— for which views Plato would portray him as an immoralist. But, Protagoras would dispute that he was opposed to there being any such thing as Platonic Form of Justice, Self-Control or Beauty— all of which concepts are based on convention and compromise.[46] They also thought that there was no such thing as a good argument.[47] G. B Kerford has written that Sophists were among the intellectual leaders of the age in which they lived. Kerferd also argued that Socrates was among the Sophists. This idea may seem paradoxical, Kerferd thought, but the problems with which Socrates was concerned were, to a very large extent, the same, as those discussed by the Sophists and this is why he is always depicted as spending much of his life arguing with and against the Sophists.[48]

[45] Poulakos (2001: 733).

[46] Dillon and Gergel (2003: xvii).

[47] van Eemeren (1996: 30).

[48] Kerferd (1981: 55-57)

1.3 *Plato's Opposition to the Sophists*

Plato (c. 427-347 BCE), who lived contemporaneously with a number of the Sophists, had strong differences of opinion with them over how rhetoric ought to be defined and practiced. The context for Plato's opposition to the Sophists is to be found in the details of the struggles within the democratic political environment of fifth century BCE Athens that are beyond the scope of this study. Sophistry, however, represented all that was worst about democracy, in Plato's eyes, especially the cynical emphasis it placed on the shameless exploitation of the techniques of mass persuasion.[49] Plato was not against the use of rhetoric, as is sometimes said, but rather he was against how the Sophists understood and used it.[50] In fact, Edwin Black has written that Plato conceived a true art of rhetoric to be a consolidation of dialectic with psychology that would be applicable to all discourse, public and private, persuasive and expository, which aims to influence men's souls. Plato's *modus operendi* was to try to understand pure Form[51]of the structure of reality through the use of the dialectical method.[52] Emile Janssens writes that, it may be said that for Plato dialectic is no longer a method but a system which

[49] Lawson-Tancred (2004: 8-14) provides a very good summary of the background of Plato's opposition to the Sophists.

[50] Black (1958: 361-374).

[51] Plato's theory of forms, also called his theory of ideas, holds that there is another world separate from the material world that we live in called the "eternal world of Forms." That world of "eternal Forms" was to Plato more real than the one we live in.

[52] The dialectical method is not formal logic but consisted of the study of the structure of the real world of Forms. Its technique of collection and division operates on that structure. Of these operations, the first was preliminary to the second, in the attempt to reach the indivisible definition of a species—a Form, by genus and specific differences. Black (1958: 365-367).

constitutes the whole of his philosophy.[53] Dialectic, Black wrote, was Plato's general scientific method; rhetoric was a special psychological application of it.[54]

Plato's views on rhetoric are mainly found in his dialogues Gorgias and Phaedrus. In Gorgias, Plato refutes an understanding of rhetoric that was shared by many influential and knowledgeable Sophists. The commonly held view was that rhetoric was that kind of persuasion which was exercised before public assemblies and was concerned with the just and the unjust. Plato understood that Gorgias shared that definition of rhetoric as having, of necessity, a connection with just and unjust matters. Plato, through his dialogue with Gorgias and using his dialectical method, showed him that this was not the case. In Gorgias, it was not so much the amorality of rhetoric (that was under attack), but rather the inability of its teachers and practitioners to give a coherent account of it that delegitimizes its rhetoric in Plato's view. Beneath Plato's ethical critique was an attack on sophistic pedagogic pretensions and lack of substance which stemmed from its nomadic and rootless qualities and origins.[55] Jonathan Barnes has written that the appellation "Sophist" became a term of abuse when Plato categorized them as tradesmen of cleverness and lovers of cash.[56] Plato thought of rhetoric as practiced by the Sophists as a form of flattery that functions similarly to cookery, which masks the undesirability of

[53] Janssens (1969: 176).

[54] Black (1958: 369). The more specific details of Plato's views on rhetoric and his conflict with the Sophists discussed in Gorgias and Phaedrus are outlined in Black (1958: 361-374).

[55] Gaonkar (2001:151).

[56] Barnes (1982: 448).

unhealthy food by making it taste good. He also thought of it as persuasion of ignorant masses within courts and assemblies.

In Plato's dialogues, he made use of three semi-technical terms, *Dialectic, Antilogic* and *Eristic*. Plato used the term *Eristic* as meaning to seek victory in argument and the art that cultivates and provides appropriate means and devices for securing victories. *Antilogic* meant the opposing of one Logos to another Logos, or drawing attention to the presence of such an opposition in an argument or state of affairs, in order to reveal their mutually contradictory relationship. Plato considered that *Antilogic* could be a potent weapon in the practice of Eristic and thought of this combination as typical of how the Sophists conducted their arguments.[57] He opposed the Sophists, in part, because of their willingness to engage in argumentation for the purpose of winning and not with the intention of arriving at the "truth." In fact, Plato criticized the Sophists for privileging appearances over reality, making the weaker argument appear the stronger, preferring the pleasant over the good, and favoring opinions over the truth.

Plato also differed with the Sophists in other ways as well. For the Sophists, the foundations of man's humanness was the impulse to associate with his fellows within the social institution of the polis. In contrast, Plato claimed that that kind of social intercourse destroyed the philosophical act. For Plato, solitude became a precondition for thought and contemplation, and this was best done in isolation. Rosenfield wrote that Plato's idea flew in the face of Greek experience, which thought that association with the community was the necessary means to achieve a superior life. For Plato, the sense world was a

[57] Kerferd (1981: 4).

distraction and caused confusion for the philosopher and he thus rejected the realm of appearances, which meant a rejection of reality as perceived through the senses. The effect of this was to bifurcate reality, and this notion had a disastrous effect on the entire concept of human communication as it led Plato to disclaim the validity of *logos* as an instrument of thought.[58] For Plato, language was only an approximation of reality and it was thus was bound to mislead. Therefore, effective discourse about philosophical matters was impossible in Plato's view. In Plato's way of thinking, rhetoric and the world of common sense and distance were separated from any legitimate connection to genuine thought. Thus by divorcing the ideas of common sense and distance from everyday reality, emotion became the dominant feature of the philosophical act. Philosophy became a compulsive pursuit of knowledge that was both lonely and dogmatic.[59] The result of Plato's way of thinking was that dialectic became alienated from its importance as a language art and thus detached from human experience.[60]

The views of the Sophists and Plato's opposition to them have shaped in important ways the history of rhetoric. To this day that conflict is an important source of significant insights on issues pertaining to language, ethics and education.[61] At the heart of this controversy is the fact that from the time of Plato and Aristotle through the Enlightenment, dialectic had become conflated with formal logic and demonstration and

[58] Rosenfield (1971: 68)

[59] Rosenfield (1971: 68).

[60] Rosenfield (1971: 68)

[61] Poulakos (2001: 733).

rhetoric, argumentation and probable opinions held by audiences had been denied a relationship with reason or logic.[62] Nonetheless, the Sophists can be said to have filled a necessary gap in Athenian education at the time and that by raising a multitude of questions in the fields of ethics, politics, psychology, epistemology, logic, and linquistics, they provked a great outburst of inquiry into those subjects by thinkers such as Plato and Aristotle.[63]

1.4 *Aristotle: The Student becomes the Master*

Aristotle (384-322 BCE) broke with his master Plato on a number points related to dialectic and rhetoric. Before dialectic appeared in Plato as a science, Jannsen writes, it had come to be appreciated as an art, a sort of general technique, which in certain measure related to the rhetoric of the Sophists. Thus, for Plato's contemporaries dialectic was not understood as the foundation of knowledge, but as an eristic, that is as a critical activity which was used to open the way to a deeper and more fruitful treatment of concepts. At that time, the arts of oratory and sophistic, rhetoric and dialectic seemed at the same time to complement and exclude one another. But, Plato had delimited and restricted the meaning of dialectic while at the same time giving it a precision accepted mostly by his followers. [64] One of Plato's main purposes in founding his Academy was to repudiate all forms of enquiry, whether practical or theoretical, that might distract students from the proper business of philosophy—the contemplation of the entirely

[62] Frank (1998: 111).

[63] Dillon and Gergel (2003: xviii-xix).

[64] Jannsens (1968: 177).

rational and formal structure of reality revealed by the dialectical method. It was this position that was wholeheartedly rejected by the followers of Isocrates, Plato's main counterpart among the Sophists, who saw nothing wrong with the pursuit of political influence by the use of techniques of persuasion.[65] This significant difference of opinion was a source of confusion and Aristotle, who had been Plato's student for twenty years, wanted to clarify the confusion surrounding sophistic, rhetoric and the Socratic method of dialectical reasoning.

Aristotle is said to be one of the forefathers of modern logic because he wrote two volumes on *Analytics.* Aristotle divided argumentation into two sorts syllogisms: deductive [66] and inductive.[67] What we now call "formal logic" Aristotle called "analytics." The method of Aristotle's dialectical reasoning was a predicative logic,[68] based on three laws of thought: identity (A is A); non-contradiction (A cannot be both A and B), and the excluded middle (Either A is B or A is not B). Nevertheless, Aristotle made a distinction between analytical reasoning and dialectical reasoning. The former, characterized as a "first philosophy," begins with premises that conform to the necessary

[65] Lawson-Tancred (2004:13).

[66] Deductive reasoning is a basic form of valid reasoning that starts out with a general statement, or hypothesis, and examines the possibilities to reach a specific logical conclusion. The conclusion is one that necessarily follows from two or more premises, one major and one minor premise.

[67] Inductive reasoning is opposite deductive reasoning. Inductive reasoning makes broad generalizations from specific observations. Basically there are data and then conclusions are drawn from those data.

[68] Predicative logic, or first order logic, is a formal system used in mathematics, philosophy, linguistics, and computer science. It uses quantified variables over non-logical objects and allows the use of sentences that contain variables, so that rather than propositions such as" Socrates is a man" one can have expressions in the form "there exists x such that x is Socrates and x is a man" and there exists a quantifier while x is a variable.

laws of formal logic, while the latter is characterized by its probable premises, namely starting points that are rooted in the probable beliefs and common sense of others.[69] In his *Rhetoric*, the *Topics* and his *Sophistical Refutations*, Aristotle discussed his view that dialectical reasoning was concerned with opinions, a position that differed from the methods of Socrates. Dialectical, in Aristotle's opinion, had the primary goal of defending one's opinions, attacking others, and persuading an audience. In his *Rhetoric,* he held forth the idea that a speaker may impose his own authority (ethos) or arouse the emotions of the audience (pathos), and that dialectical was a justifiable mean of persuasion.[70] Interestingly, Aristotle located the difference between the demonstration of formal logic and dialectical reasoning in the kind of premises used and held the opinion that the nature of reasoning in both cases was the same, consisting of drawing conclusions from propositions posited as premises.[71] This distinction will become important when we discuss how Chaim Perelman exploited Aristotle's views on dialectic to expand the realm of reason and argumentation in developing *The New Rhetoric*. In this regard, Perelman observed that dialectical reasoning was not important for metaphysics, where one is searching for realities presumed to be immutable, but it is crucial when one comes to practical philosophy, where the concerns are those of ethics, politics and economics. Its importance lies in the fact these philosophies show us how to act, choose and decide in situations that are contingent in nature. It was Perelman's opinion that

[69] Frank (1998: 115).

[70] Perelman (1986: 14-15).

[71] Frank (1998: 116).

Aristotle had been influenced by both Plato and the Sophists and occupied a middle ground between the two.[72]

On the question of rhetoric Aristotle narrowed its focus by defining three genres of rhetoric: *deliberative, judicial* or *forensic* and *epideictic* and by extending its definition by calling it the ability to identify the appropriate means of persuasion in any given situation. Aristotle's starting point was the assumption that all knowledge, insights, and opinions, in so far as they arise from rational thought, are based on existing knowledge, insights and opinions.[73] Aristotle thought rhetoric to be a counterpart of both logic and politics, and is credited with its best-known definition:

> Let rhetoric be defined as an ability, in each [particular] case, to see the available means of persuasion. This is the function of no other art: for each of the others is instructive and persuasive about its own subject: for example, medicine about health and disease and geometry about the property of magnitudes and arithmetic about numbers and similarly in the case of the other arts and sciences. But, rhetoric seems to be able to observe the persuasive about "the given" so to speak. That, too, is why we say it does not include technical knowledge of any particular, defined genus [of subject].[74]

Aristotle's redefinition had the effect of extending rhetoric's scope to all fields and not just political discourse. He also identified three steps of rhetoric; *invention, arrangement* and *style*, as well as three types of rhetorical proofs: *ethos, pathos,* and

[72] Perelman (1986: 7).

[73] van Eemeren (1996: 31).

[74] Aristotle (Rhetoric 1.2.1).

logos. For Aristotle, the domain of rhetoric like the Sophists was civic affairs, but practical decision making and persuasion in all fields was within its scope.

1.5 *A Closer Look at the Sophists: The Legacy of the Sophists in Modern Rhetorical Critical Theory*

For over two millennia, the Western view of rhetoric has focused on Platonic and Aristotelian formulations of it. Regrettably, no writings survive from any of the Sophists and we have had to depend on inconsiderable fragments and often obscure or unreliable summaries of their doctrines or upon Plato's profoundly hostile treatment of them.[75] As a result, the views of the Sophists are not well known. Such being the case, the Sophistic position has been regarded as something of an obscure and interesting footnote. This diminished status presents the student of rhetoric with an incomplete picture and consequently, the rhetorical perspective of the Sophists has not received adequate attention.[76] Taking a closer look at Sophistic ideas, however, will bear dividends, as their thinking is in some important respects in alignment with concepts and concerns embraced by modern rhetorical critical scholarship.

Kennedy argued that the Sophistic position, which reached its fullest development by Isocrates (436-338 BCE), was revived in the Second Sophistic of Roman times, [77] and was converted to Christianity by preachers like Gregory of Nazinazus (329-390 AD). In Byzantine tradition it was a stronger force than in the western Middle Ages and

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[75] Kerferd (1981: 1)

[76] Poulakos (1983: 35).

[77] The Second Sophistic is a literary-historical term referring to Greek writers who flourished from the reign of Nero (37-68 AD) until around 230 AD.

reemerged as a powerful force in the Renaissance era.[78] Hegel (1770-1831 AD) tried to re-animate the Sophists by giving them both a place in the history of philosophy and by endowing their views with intellectual integrity. Hegel pointed out that the Sophists were a natural link between the Pre-Socratics and Platonic thought.[79] Notwithstanding Hegel's and others' efforts to rehabilitate the Sophists, Western thought remained wedded to the two views of rhetoric represented by Plato's Idealism and Aristotle's system of Development.[80] As a result of this imbalance, Poulakos has argued that Greek rhetoric should more correctly be viewed as a trilogy, wherein the first part has been ignored, in part because of its fragmentary nature, and in part because of an ill-deserved bad reputation.[81] Nonetheless, Roger Moss wittily wrote that all the attacks on Sophistry inadvertently confirmed the tendency, as with sin, for it to keep cropping up![82] And it did in fact "crop up" again in the modern era in a number of important ways.

G.B Kerferd has written that the modernity of the range of the problems formulated and discussed by the Sophists in their teaching is startling. Among the topics that the Sophists addressed Kerferd writes were the theory of knowledge and perception, the degree to which sense-perceptions are to be regarded as infallible and incorrigible, the nature of truth and above all the relations between what appears and what is real or true,

[78] Kennedy (1999: 14).

[79] Poulakos (1983: 35).

[80] Poulakos (1983: 35)

[81] Poulakos: (1999: 35)

[82] Moss (1982: 208).

the relation between language, thought and reality, the sociology of knowledge, what is justice, what the attitude of the individual should be on the subject values imposed by others, particularly in organized society requiring obedience to the laws of the state, the problem of punishment, and the nature and purpose of education among other topics.[83] Their concerns included correctly assessing the rhetorical situation, adapting to the needs of the audience, the nature of persuasion, the use of informal reasoning in argumentation and the temporality of rhetorical discourse.

John Poulakos has written that although they were not rigorous systematizers as were Plato and Aristotle, the Sophists were the first to infuse rhetoric with life. They were not indebted to any formal rhetorical theory and therefore were free to experiment with form and style in fashioning their words.[84] They were aware of the human limitations on the acquisition of knowledge and thus sought to ground the abstract notions of their predecessors in the actuality of everydayness. The Sophists were aware of the effect and power of words on people's minds, and so they taught eloquence with the aim to show multiple points of view exist and to give force to those which harmonize with what appears to be most useful.[85] Poulakos has offered a definition of rhetoric with which he thinks the Sophists might have agreed: Rhetoric is the art, which seeks to capture in opportune moments that which is appropriate and attempts to suggest that which is possible.[86] Inherent in this definition are concepts of rhetoric as an art, the

[83] Kerferd (1981: 2)

[84] In this regard, they may be seen as similar to the composers of the Hebrew Bible.

[85] Poulakos (1983: 36). In this regard, their thinking is similar to Rabbinic thought in the Talmud.

[86] Poulakos (1983: 36).

temporality of the rhetorical situation, the use of premises that are acceptable to the audience, and the contingent nature of future outcomes. Poulakos writes that the Sophists thought of rhetoric as primarily a *techné* (art) whose medium was *logos* and whose double aim was *terpsis (*aesthetic pleasure*)* and *pistis* (belief). Seeing rhetoric as an art was important, Poulkakos writes because on the one hand it designated the S4ophistic view proper, and on the other, it helps place the controversy between Plato and the Sophists in the right light. Poulakos argues that rhetoric as 'art' does not admit criteria appropriate to strictly epistemological[87] or axiological[88] matters; nor does it call for the same considerations as does formal argumentation. With regard to *episteme*, rhetoric does not strive for cognitive certitude, affirmation of logic, or the articulation of universals. As a product conditioned by the people who create it, rhetoric moves beyond the domain of logic, and satisfied with probabilities, it lends itself to the flexibility of the contingent. [89] The Sophists had been criticized by Plato who saw their emphasis on style as a liability and were held in contempt for being preoccupied with the non-essentials of rhetoric. However, the Sophist probably would have answered these charges, Poulakos thinks, by reminding their detractors that, if what is said must be said somehow, and that how is a matter of the speaker's choice, then style merely represents the speaker's mastery of the language and is a reflection of his personality.[90]

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[87] Epistemology is the theory of knowledge, especially, in regards to its methods, validity and scope. Epistemology is the investigation of what distinguishes justified belief from opinion.

[88] Axilology is the study of the nature of value and valuation, and the kinds of things that are valuable.

[89] Poulakos (1983: 37).

[90] Poulakos (1983: 37).

The Sophist were interested in time in relation to speaking. They stressed that speech must show respect for the temporal dimension of the situation it addresses, that is, it must be timely. Speech must take in to account and be guided by the temporality of the situation in which it occurs.[91] What compels the speaking in the Sophist view, Poulakos writes, is a sense of urgency that occurs in a situation that may be deemed out of control and where there appears to be a pressing need to speak or intervene with the power of the word in order to end a crisis, redistribute justice or restore order.[92] The Sophistic sense of temporality does not come, Poulakos thinks, from a philosophical position regarding the nature of logos but from the observation that if what is said is timely, its timeliness renders it more sensible, more rightful, and ultimately more persuasive.[93] It was in these many aspects that Sophistic ideas about the nature of rhetoric above, that alignment with modern rhetorical critical thinking and methods are found. This is particularly the case with the views of two scholars whose work we will examine at length in the next chapters: Lloyd Bitzer and Chaim Perelman. It is of particular importance for this study that Chaim Perelman, whose theory of practical argumentation is the basis upon which I will analyze Deuteronomy, traced its roots, in part, to Sophistic ideas. Alonzo Tordesillas has written:

> Theoretical interest in Perelman is linked, for the main part, to the way in which he analyzes justice. This analysis is based on a preliminary positon defined in reference to the Greek philosophy as represented by Plato and Aristotle, in

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[91] Poulakos (1983: 38).

[92] Poulakos (1983: 38). These ideas are identical to the views of Lloyd Bitzer. See Bitzer (1968)

[93] Poulakos (1983: 39).

> contrast to the assertions of the Sophist and rhetors. He makes a careful and assiduous separation between the notion of demonstration and that of argumentation and supports the premises of his thesis regarding philosophical debate about justice with non-formal logic, not dissimilar to the arguments of the Sophistic period and the glorious moments of rhetoric. This logical retreat, leads him from the analyses of positive Right back to the positions defended by the Sophists.[94]

1.6 The Widespread Phenomena of Rhetoric in the Ancient World:

It comes as no surprise that rhetoric did not originate in Greece or in Israel. What we can say, however, is that the first systematic conceptualization of rhetoric did occur in Greece. Nevertheless, George Kennedy is of the opinion that the categories of rhetoric we associate with Greek thought are to be found in the speech of all cultures and that they inhere respectively in speaker, audience, and discourse.[95] Carol Lipson and Roberta Binkley published two volumes which have explored the existence of long-standing rhetorical traditions that originate in many parts of the ancient world, including, Mesopotamia, Egypt, China, Israel India and Ireland.[96] William Hallo has explored the birth of rhetoric in the ancient Near East and attempted to identify and isolate the categories and techniques of rhetorical expression found in extant early Akkadian, Sumerian and Egyptian writings. He found rhetoric well enough in evidence in these literary traditions that he was prepared to defend the notion that rhetoric was in fact, born

[94] Tordesillas (1990: 109).

[95] Kennedy (1984: 15).

[96] Lipson and Binkley (2004 and 2009).

in Mesopotamia.[97] Consequently, we are justified in saying that neither the rhetorical forms nor the literary genres which appear in the Hebrew Bible appeared out of a vacuum. According to Tremper Longman it is best to see the rhetorical and literary genres found in the Hebrew Bible in light of their Near Eastern counterparts. Longman has written in this regard:

> Reading and writing take place in the context of literary conventions exploited by both readers and authors. Genre is a convention and, writers may not always be conscious of the generic tradition that is driving their writing. Indeed, readers would be lost of an author utilized a writing vehicle that was unique with no literary connections with what preceded it. It is hard to imagine what such a writing would look like. Authors thus naturally write within a generic tradition to give the reader some guidance as to "how to take" the writing on the page. In a sentence, writing triggers reading strategy. Genre signals are embedded in the text to evoke in the reader the proper response.[98]

Thus no controversy is raised when we say that the writers of the Hebrew Bible, whose context was the ancient Near East, drew upon the broad traditions of Mesopotamia, Egypt, Canaan for guidance. Of course, we must also allow for original Hebrew innovations as well. I do not intend, however, to pursue this area of comparative rhetoric as it relates to literary and rhetorical antecedents from the ancient Near East. [99]

Whether or not the Hebrew writers might have engaged in some intellectual cross-fertilization with the Greek thinkers of the Homeric-Sophistic era is a matter that John

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[97] Hallo (2004: 25-46).

[98] Longman (2003: 178).

[99] See Burkert (1992).

Pairman Brown and others have investigated extensively.[100] He has written that there were deep connections both culturally and linguistically between the Greeks and the peoples of the coastal Mediterranean including the Phoencians and Hebrews. He wrote:

> So, as Thebes was an inland city with a literary culture over against maritime Corinth. Jerusalem and Israel were the inland literary phase of the culture of which the Phoenician cities were the maritime. The traders of "Yawan," however illiterate, must have conveyed hints of new cultural enterprises at Athens and Thebes. And, so, Phoenician traders surely conveyed hints of new beginnings at Jerusalem. The culture of the Phoenicians proper included much not in their own records. To fill the gap, the Hebrew Bible is by far the best witness. Since from Homer onwards Greeks were in regular contact with Phoenicians, a vast new area of demonstrable Helleno-Canaanite relations is revealed. We only need to open up Hebrew and Greek books side by side.[101]

Brown raises intriguing questions about what were the connections between Hebrews and the Greeks, two societies that came to birth in the same centuries, a week's voyage apart with favorable winds. Brown observes, however, that scholarship which ought to be exploring the connections between Israel and Hellas to a greater extent, seem to be hermetically sealed-off from one another for the most part. This has occurred in part, he says, because these two traditions make mutually exclusive claims for themselves through those two institutions, university and church.[102] While this topic is of great

[100] Boman (1960), Gordon (1965), Brown (1995)

[101] Brown (1995: 9).

[102] Brown (1995: 1), Gordon (1995: 43-108)

interest, and a lot can be said of the contacts between these two cultures starting in the in the first half of the first millennium BCE, it is beyond the scope of the present study.[103]

1.7 Points of Comparison: Deuteronomy and the Pre-Socratic-Sophist Movement

Until the present moment, we have focused mainly on the origins of Greek rhetorical traditions. This was necessary because those traditions have exerted profound influence on the academic study of rhetoric and still play an important role in our contemporary discussions of the topic as the revival of interest in the Sophists reveals. We cannot neglect their descriptive insights even when analyzing a rhetorical text like Deuteronomy that, arguably, has no trace of the Classical Greek rhetorical tradition in it. Rhetoric in the Hebrew Bible is an enormously large topic, and I will not attempt a general description of the topic. In this study, whose focus is rhetorical argumentation in Deuteronomy, we can begin to make certain comparative observations about the era of its compostion in relation to the range of Greek rhetorical traditions that we have reviewed. The first is that if we choose to locate Deuteronomy's composition and redactions in the late First Temple and Exilic eras (ca. 750-539 BCE), one can rightly observe that the methods of rhetorical argumentation that appear in this corpus would precede the conceptualization of classical Greek rhetoric by a number of centuries.[104] The second, is that, if we wish place the composition of Deuteronomy in a contemporaneous era in Greek culture, we would need to place the narrator/authors of Deuteronomy as living in

[103] See, for example Burkert (1992).

[104] Kennedy (2007:1-2). Aristotle and Plato were contemporaries in Athens in the years 365-361 BCE which places them at the end of the Persian Era (539-331 BCE).

the pre-Socratics period of Homer (c. 751-651 BCE), Solon (c. 630-560 BCE), Thales of Miletos (c 610-546) and Pythagoras (582-496) and others.[105] This means that if any alignments in rhetorical ideas existed between the Greeks and the Hebrews, one should search for them in that era. We have already mentioned a few similarities without drawing any explicit inference with regard to direct or indirect influences.

1.8 The (Re) Discovery of the Hebrew Rhetorical Tradition

Simplistically, for heuristic purposes only, the history of Hebrew rhetoric can be roughly subdivided into four distinct periods: the classical Biblical period (1000-334 BCE), the Hellenistic period (333 BCE -70 CE), the Talmudic period (70-600CE), and the Medieval period (600-1500 CE). Using a broad brush, Samuel Edelman has written that what characterizes the Biblical period is that it saw the development of a series of model speeches of topics in a "rhetorical narrative" approach.[106] He further wrote:

> Biblical narrative is rhetorical because it establishes the credibility of religious and social practices for its audience as it features God without form, unitary and singular among social systems that worshipped pantheons of gods. The text of the Bible acts rhetorically in proving through metaphor and example the ascendency of a unitary, omnipotent, God over all other gods. In addition, the narrative of the Bible provides essential policies and laws designed to regulate behavior. During the biblical period, the rhetoric of the prophets focused on the ethics and morality, in essence, setting social boundaries of the new society being crafted under the vision of a monotheistic world.[107]

[105] See above Note # 25.

[106] Edelman (2003: 115).

[107] Edelman (2003: 115).

Edelman was of the opinion that the Hebrew Bible provided strong models of oratory and general communication, between people and God, people and people, and between people and their monarchs and religious leadership. Edelman is correct in his views up to a point, but does not take into account the many types of writing found in the Hebrew Bible, particularly poetry, and the long period of time it took to complete them. His views may be more accurate if we think of them as describing a narrative text like Deuteronomy.

These very general characteristics of Hebrew rhetoric in the Biblical period can help us to draw some tentative comparisons between Greek and Hebrew rhetoric. George Kennedy has pointed out that the rhetoric found in the Hebrew Bible is pre-conceptual. By pre-conceptual Kennedy meant that the Hebrews did not have a theory of rhetorical discourse upon which they drew when composing their texts. In this sense, the Hebrew writers were similar to the pre-Socratics and the Sophists in their freedom to experiment with the use and power of oral and written language.

The Jews of the pre-Christian era, Kennedy writes, seem never to have conceptualized rhetoric, though the importance of speech among them is everywhere evident.[108] Phyllis Tribble makes an important and perceptive point about the Hebrew rhetorical tradition when she writes:

> However that we choose to explain it, the Hebrew concept of persuasion draws our attention to the fact that the Greek elevation and rationalization of rhetoric, cannot be considered a universal norm, not even in our own culture, which is based on both Hebrew and Greek traditions. Instead, it (Hebrew rhetoric) is a

[108] Kennedy (1980: 11).

> particular development in a small society at a certain point in history that needs to be heard again with newly estranged ears. Hebrew rhetoric is in the paradoxical position, in our culture, of being at one, and the same time, foreign and foundational; an unassimilated other at the heart of western rationality. It is the foreigner's perspective that a new encounter with the Hebrew tradition brings to the critical study of rhetoric.[109]

Tribble asserted that finding rhetorical argumentation in the Hebrew Bible is like the rediscovery of something fascinating that has been hiding in plain sight, only to be recognized once again, in the modern era. But if we are proceeding on the premise that the rhetorical traditions found in the Hebrew Bible are not indebted to the Greeks, how shall we comprehend their methods and aims? Margaret D. Zulick, writing about the methods of rhetoric and the art of persuasion in the Hebrew Bible has astutely commented:

> It is certainly true that the Hebrew Bible does not contain abstract rational reflection analogous to that of the Greeks. It does, of course, represent consummate rhetorical practice, containing recognizable forms of invention, arrangement and style, which were studied as rhetoric from the age of Origen (c. 184-c. 253 AD) through the eighteenth century. Yet there is no speculation on the nature of rhetoric as with the classical Greeks. It is almost as if there is little room for rational abstraction of any kind, for the Hebrew conceptual sphere is totally occupied with deity---rich, close, and powerful. An ancient Hebrew rhetorical theory would be restricted to rules of a practical nature, concerning matters of truth and falsehood, speech and silence: "A soft answer turns away wrath," and

[109] Zulick (1992: 379).

the like. Conceptual abstraction of any sort, on the other hand, veers toward personification: rather than logical structures, sentient powers.[110]

1.9 *Points of Contrast: Differences in Metaphysics and Differences in How Persuasion Occurs*

In addition to the aspects of Hebrew rhetoric that I have already mentioned above, I want to explore two aspects of rhetoric found in Deuteronomy that highlight certain characteristics of Hebrew rhetoric that we find in Deuteronomy that provide a good contrast with Greek rhetoric. The first contrast is a metaphysical one that is, it concerns the source of authority (*ethos*) of the rhetor and this, of course, affects the willingness of an audience to listen. The second concerns the question of how persuasion occurs in a Hebrew Bible text like Deuteronomy even if we can detect informal logic in the discourse. In other words, is the informal logic or argumentation the source of persuasion or does it occur by some other mechanism?

Phyllis Tribble has pointed out that some of the categories contained in the Greek five canons[111] of rhetoric, as well as in counterparts of Aristotle's three modes of artistic proof are in the Hebrew Bible.[112] If we examine the source of ethos in Aristotle's

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[110] Zulink (1992: 368).

[111] Tribble (1994: 9). Tribble offers a neat graphic analysis of the structure of Greco-Roman rhetoric. The five canons of classical rhetoric are: *Invention* (invention: discovery of material suitable to the occasion), *Structure* (dispositio: arrangement of material in an organized whole), *Style* (elocutio: choice of appropriate words; use of figures or tropes), *Memory* (memorio: formulation of mnemonic systems as preparation for oral delivery, and *Delivery* (pronunciato/actio: features of oral presentation). The forgoing have served as both analytical and generative categories. Three Elements of Communication: *speaker or author, speech or text* and *audience or reader*; Three Types of communication: *judical (forensic), deliberative (hortatory)* and *demonstrative (epideictic*); Three Goals of Communication: *intellectual goal of teaching, emotional goal of touching the feelings, aesthetic goal of pleasing so as to hold attention.*

[112] Ethos means "character" and is defined as the credibility that the speaker or author may be able to establish in his work. The audience is induced to trust what he says because they trust him, as a good man or an expert on the subject; *Pathos* inheres in the audience and may be defined as the emotional reactions

category and compare it with how Deuteronomy presents this form of artistic proof, we will discover an important difference. This difference between the *ethos* of a Greek orator and the *ethos* of Moses as a prophetic orator in Deuteronomy is a metaphysical one. [113] For example, a speech act like the ones that Moses utters in Deuteronomy, or as we might find in Hebrew Bible prophetic discourse generally, is one that is uttered by a speaker addressing an audience or an individual in the name of the divine. We may also find God speaking directly to an audience or an individual. The aim of this type of utterance is either to persuade, reprimand, provide an example, issue a command about something or someone or, offer a promise, or a threat to name a few reasons. In the Greek case, the speaker's aim, understood as seeking to persuade an audience in a court of law, civic assembly or Academy of learning, speaks in his own name. It is by virtue of the strength of his reason, logic and/or method that a certain judgment is made or some eternal "truth" revealed. The audience accepts his ethos to address them in the manner that he does because of his reputation, character and words.

The civic context of the Hebrew and Greco-Roman writers and orators notwithstanding, the speaker, in the case of the Hebrew Bible, functions on a different metaphysical level from that of the Greek rhetor. The latter speaks only in his own name,

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the hearers undergo as the orator plays upon their feelings; *Logos* refers to the logical argument found within the discourse. Logical argument can be of two types: *inductive* which uses a series of examples to point to a general conclusion, or *deductive,* which enumerates premises probably acceptable to an audience and draws a deductive conclusion from the premises. Kennedy (1984: 15-16).

[113] Prophetic speech from a prophet (*nābîʾ*) occurs when the prophet hears the word of God, or has the word(s) placed in his mouth, which he then utters to others. Various forms of utterance characterize this form of prophetic direct speech. The prophets were speakers whose utterances were of two basic types: divine oracles, in which the deity speaks in the first person (Hosea 11:1-7) and prophetic sayings, in which the prophets speak in the first person and refer to Yahweh in the third person (Mic. 3:5-8). Petersen (1997: 28).

and with only his character and reputation (ethos) and his logic (logos) and method available to accomplish his purposes with an audience while the former presumes to speak in the name of a high unimpeachable authority. Deuteronomy seems to distrust the type of speech, which comes from the mouth of humans without divine warrant, suspecting as did Plato, with regard to the Sophists, that it might well be meant to convey deceitful or wrongful intentions.[114] In both cases of persuasive speech, the *ethos* or authority of the rhetor is a critical element, the difference being in the nature and source of the authority and intent of the rhetor. This distinction stands as a key feature that differentiates ethos in the Hebrew rhetorical tradition from that of the Greek. In both cases, there is the ethos of the rhetor, the act of persuasion, or the desire to influence the audience to reach a judgment of some kind, but the nature of the speech is profoundly different.

According the biblical understanding, when God speaks directly to a prophet or person informing him what he must do or say, there is no higher authority than that authority, because His motives are thought to be unassailable and it is this inclination that makes the words persuasive. Thus, prophetic speech, being announced speech, is authoritative and persuasive because of its divine source, notwithstanding, any other forms of reasoning that many be present.[115] For example, Dt. 5:4-7 conveys both divine

[114] Dt. 13:1-6.

[115] Nissinen (2019: 1-11) writes that prophetic speech is attested widely throughout the ancient Near East beginning in the eighteenth-century BCE at Mari. The existing written evidence for this phenomena, that comes from all over the Fertile Crescent, is witness to the wide distribution of prophets, proving that prophecy has a common cultural legacy that cannot be traced back to any particular society. Prophecy is the human transmission of allegedly divine messages. As a method of revealing the divine will to human, prophecy is to be seen as another, yet distinctive branch of the consultation of the divine that is called "divination." Among the forms of divination, prophecy clearly belongs to the non-inductive kind. That is to

and prophetic speech and establishes Moses' prophetic authority[116] by God allowing his words to be conveyed by Moses to the assembled Israelites even at a moment when God himself is actively and visually present in the narrative:

> Dt. 5:4: Face to face, the Lord spoke to you on the mountain out of the fire---
>
> Dt. 5:5: I stood between the Lord and you at that time to convey the Lord's words to you, for you were afraid of the fire and did not go up the mountain---saying:
>
> Dt. 5:6: I am the Lord your God who brought you out of the land of Egypt, the house of bondage.
>
> Dt. 5:7: You shall have no other gods beside me.

This is the type of rhetoric which is authoritative for the reasons described above and was also meant to engage the audience's senses of hearing, seeing, and imagination. The narrative is at the same moment, close, personal, direct, numinous and authoritative. Looking again at the above passages, we see that the narrator/authors engage the eyes and the ears of the audience as well as their emotions of fear and loyalty. The two concepts of seeing and hearing are key to the kind of rhetorical persuasion that we find in Deuteronomy. [117]

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say, prophets—like dreamers and unlike astrologers or haruspices—do not employ methods based on systematic observations and their scholarly interpretations but act as direct mouthpieces of gods whose messages they communicate. To be prophetic speech, the implied speaker of the words uttered or quoted should be a deity, the implied addressee, respectively, a human being, and the message should be communicated to the addressee or recipient by a human being, the prophet.

[116] Moses is specifically referred to as a prophet two times in Deuteronomy, Dt. 18:15 and Dt. 18 18. In the first case, in Dt.18:15 Moses speaks in the first person referring to himself as a prophet. In the second case, in Dt. 18:18 Moses reports his conversation with Yahweh in which Yahweh refers to him as a prophet. A third reference to Moses as a prophet occurs in Dt. 34: 10-12 where the narrator/authors say of Moses that no prophet arose again in Israel like Moses. Romer (2013:129-145)

[117] Zulink (1992: 367-380).

In Hebrew thought, the "heart" (*lēb*) carries a special meaning for the rhetor. It is not simply the heart organ but rather the seat of one's inner-self, inclinations, disposition, will, intention, the mind in general and, as a whole, the conscience, but the respondent must be ready to listen and "hear."[118] When it involves divine or prophetic discourse, persuasion takes place in the heart of the listener. Persuasion occurs first with hearing the words, and then by taking them to (*lēb*) heart. Zulink suggests that the Hebrew concept of persuasion creates a dilemma. She asks if the Hebrew Bible presents us with only two choices, true words from a divine source whose action in the heart is independent of the speaker, or pernicious attempts (by humans) to deceive themselves with smooth words? She writes:

> The Hebrew Bible contains a powerful theistic ideology. But that ideology is couched in a reservoir of ordinary speech and prosaic context, whether consciously or unconsciously transmitted. Admittedly, the theme of speech as divine revelation, and the consequential suspicion of speech as a human art, is pervasive. But even if we bracket the explicit argument for the divine origin of words, there is still the whole range of ordinary speech, exemplified in the story of Judah and his brothers (Gen 37:26-27) in which the rhetorical act is accomplished by the hearer.[119]

Ronald Katz has written that the core of the rhetorical transaction places the maintenance or disruption of Israelite spirituality in the control of the individual. It was central to Deuteronomic rhetoric that the Israelite sees in the "heart" a willful human operation which may disrupt the operation of Israelite spirituality. It was Katz' view that

[118] HALOT (514)

[119] Zulink (1992: 376).

this was the point of Moses' valedictory oration in Dt. 32:1-47 the point of which is expressed at its conclusion.

> Dt. 32:45: And when Moses had finished speaking all these words to all Israel,
>
> Dt. 32:46: he said to them, "Take to your heart all the words with which I have warned you this day. Enjoin them upon your children that they may observe faithfully all the terms of the teaching.
>
> Dt. 32:47: For this is not a trifling thing for you: it is your life; through it you shall long endure on the land that you are to possess upon crossing the Jordan.

Katz argues here that these passages indicate the view that the audience has the intellectual control over the will to adhere to and nurture the covenantal spiritual conditions under which they are to possess the land. This occurs only when the teaching is "laid upon" the Israelites' heart; then it can be conveyed to the children by the father as model and teacher. [120]

Dt. 29:17-18 is another good example that shows how the narrator/authors engage the sense organs of the human body in the persuasive act, particularly engaging the sense of hearing and action of the heart. We see that this occurs when the narrator/authors, through the voice of Moses, requests that the Israelites take his exhortations to heart.

> Dt. 29:17: Perchance there is among you, some man or woman, or some clan or tribe whose heart is even now turning away from the Lord our God to go and worship the gods of those nations—

[120] Katz (1986: 80-83).

> Dt. 29:18: When such a one hears the words of these sanctions, he may consider himself blessed in his own heart saying, "I shall be safe, though I follow my own willful heart," to the ruin of moist and dry alike.

In both sets of passages, we can see how the authoritative narrator/authors engage the senses and appeal to the heart of the individual Israelite in order to accomplish the persuasive act. We can begin to see from the above discussion that the premises upon which the persuasive act occurs and is accomplished is very different. We have briefly reviewed aspects of both the Greek and Hebrew rhetorical traditions. Before we advance to a discussion of the revival of rhetoric in the 20th century, we may simply observe that in reception history these two traditions co-existed over the entire span of western civilizations but directly interacted only to a limited degree as independent rhetorical traditions.

1.10 *Rhetoric's Ups and Downs Over the Centuries*

John D. O'Bannon has written that the classical rhetorical traditions of Greeks and Roman became displaced by two successive kinds of "certainty." The first "certainty" was narratival and the second was logical. The church, convinced of the universality of its story, O'Bannon writes, restricted the use of invention, narration and proof to serve the activities of scriptural investigation. Later when scientific thinking rose to prominence, it tended to dislodge the church as the central institution of Western civilization. Science elevated logical methodology to a position virtually unquestioned and directly competed with the Christian narrative it began to replace.[121] The existence

[121] O'Bannon (1992:105-109).

of a Hebrew rhetorical tradition, on the other hand, was a barely recognized phenomenon outside of Rabbinic or clerical circles.

Rhetoric has had its ups and downs over the centuries. And in this regard, Jim Corder has constructed a skeletal set of crises that provides a limited but useful perspective on the history of rhetoric, especially since such crises continue to influence contemporary rhetoric and attitudes toward rhetoric. Corder has written that historically rhetoric has gone through five crises:

1. In the fourth century BCE, Plato's charge that rhetoric was at best sophistry and calculation and at worst deception, falsehood, and immoral gave rhetoric a bad name. This charge was never wholly defeated. Plato did admit, however, that there could be such a thing as a "true rhetoric," but it would come about only if rhetoricians were to probe for the truth in all matters, attempt to formulate essential definitions of particulars, and study man's psychological dispositions so that they could adapt and arrange their arguments to suit the temper of the audience. Plato's attack, however, led to the rhetoric of Aristotle and later to Cicero and Quintillian.
2. In the third and fourth centuries, the Christian Church questioned whether to adopt the contemporary culture that the Romans had taken over from Greece. One of the issues was the contrast between the Verbum (Word of God) and Verbum (Word of Man). This debate over the appropriateness of rhetoric were variations of the old charge against sophistic rhetoric, stylistic calculations and eloquence without substance. Rhetoric emerged enlarged from this crisis with the value of Cicero's work reaffirmed and with rhetoric well established at the center of education.
3. The sixteenth and seventeenth century saw rhetoric fragmented by a focus on rhetoric as the art of speaking, that is, elocution and pronunciation. The effect was to sever invention and arrangement from rhetoric. This trend was fostered and hastened by Peter Ramus who argued that invention and arrangement

belonged to logic rather than to rhetoric, this leaving to rhetoric only style and delivery.

4. The eighteenth century might be described as rhetoric in search of its substance and method. Debate centered around whether to preserve classical rhetoric whole or to persist in the fashion of the stylistic rhetoricians of the renaissance, or to focus on elocution. Others sought to explore rhetoric along the philosophical or psychological theories of John Locke, Frances Hutcheson, David Hume and Adam Smith. As a result of these developments, rhetoric as a persuasive art became scattered.
5. In the nineteenth and twentieth centuries, it may be argued that the crisis of rhetoric may be reduced to a single crux: in the face of opposing arts and other appeals, rhetoric became irrelevant. In the modern era one cannot think of rhetoric in the same way that the ancients did. We cannot write Aristotle's rhetoric. If Aristotle were to be miraculously brought among us, Aristotle himself could not write Aristotle's rhetoric. Modern rhetoric lowers the barrier between speaker or writer and audience. It shifts the emphasis toward cooperation, mutuality and social harmony.[122]

Importantly, Corder observes that it was still the case half way through twentieth century that rhetoric had not overcome its bad reputation. Rhetoric retained the label of empty language, or language meant to deceive as Plato thought of it, or of emphasizing style at the expense of thought. As a result, rhetoric seemed to have very little practical utility, and it was in that sense that the "old" rhetoric seemed to be irrelevant to modern discourse.[123] This was about to change in the second half of the twentieth century.

[122] Corder (1971: 38-43).

[123] Bryant (1953: 403).

1.11 *The Revival of Rhetoric in the American Academy and the Rhetorical Turn in the 20th Century*

In the eighteenth and nineteenth centuries, interest in rhetoric had undergone a decline primarily due to the rise of scientific inquiry and the consequent drive to view knowledge as founded upon observable fact rather than upon logic or persuasion.[124] Notwithstanding this preference for scientific inquiry and millennia of controversy about the place of and role of rhetoric, the early part of the twentieth century saw a revival of interest in rhetoric. This interest coalesced as a formal discipline within the United States in the field of speech communication and within the context of Progressive-era politics.[125] The immediate impetus for this development stemmed from a desire on the part of some forward-looking intellectuals and educators like John Dewey to prepare the citizenry to participate fully in the mass transformation of democratic society they saw about to occur. Interestingly, public education and public speaking became their central focus, because they were considered essential to being an effective citizen.

The initial study of rhetorical theory within the twentieth century field of speech communication focused on the historical examination of classical and humanist models of communication, persuasion and governance. Such study had a dual function. On the one hand, it bestowed legitimacy on the new discipline by demonstrating its ancient and historical roots in the writings of respected philosophers such as Plato, Isocrates,

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[124] Tull (1999: 157).

[125] Lucaites and Condit (1999: 7-8). The Progressive Era was a period of widespread social activism and political reform across the United States that spanned the 1890s to the 1920s. The main objectives of the Progressive movement were eliminating the problems caused by industrialization, urbanization, immigration, and political corruption.

Aristotle, Cicero, Quintilian, Longinus, St. Augustine and others. At the same time, the treatises written in classical antiquity, the Renaissance and up until the nineteenth century provided sources of effective strategies for teaching the art of rhetoric to college students.[126] In this context, Aristotle's definition of rhetoric once again became very influential in shaping the disciplines' perception of the meaning of rhetoric, its roles as a strategic art and as a philosophy of communication. Scholars treated the subject of rhetoric, in this period, as a topic in intellectual history, and this way of thinking prevailed in the American academy from the nineteen-twenties until mid-century.[127] In fact, colleges and universities that host speech and communications programs which offer advanced degrees in rhetorical theory are still widely available in the United States as of 2019.

By mid-century, scholars realized that "new" rhetorical theories were needed that could be adapted to the changing conditions of a new era. Between the late 1950s until 1976, the fundamental focus of rhetorical theory shifted from a concern with intellectual histories and simple classical models of rhetorical pedagogy to an interest in understanding the relationship between rhetorical and social theory.[128] These factors were, in part, the academic and intellectual milieu that formed the backdrop to interest in applying aspects of critical theory to Biblical studies.

David A. Frank has written that some philosophers and scholars began to recognize a "rhetorical turn" in the nineteen fifties but failed to contextualize it

[126] Porrovecchio and Condit (2016: 5).

[127] Lucaites and Condit (1999: 7).

[128] Porroveccehio and Condit (2016: 7).

historically. Frank points out how 1958 was a critical year in this regard, as it saw a number of landmark books published that either implicitly or explicitly engaged with rhetorical theories and models. Frank explains this "turn" as these, and others authors, working through and responding to questions raised by the traumas of the twentieth century including the Holocaust, the destruction wrought by the totalitarian governments of Hitler's Germany and Stalin's Soviet Union, the cold war and the threat of nuclear war.[129] In addition, there were a number of other important social phenomena that appeared in the post-World War II era that required new thinking as well. The first was the meteoric rise of television as a mass communications medium of public discourse. The second was the rise of grassroots social movements. These phenomena became the subject of a rethinking by rhetorical theorists of what changes in public discourse might become associated with these phenomena.[130]

1.12 *The Seeds of Ferment and the Birth of Rhetorical Criticism*

In the intellectual context we have just reviewed, scholars in the field of speech communication attempted to outline and amplify a theory of rhetoric suitable to twentieth-century concepts and needs. They drew on a variety of sources including the classical tradition of rhetorical thought, aesthetic theory, literary theory and criticism, and various forms of critical social theory.[131] In so doing, they identified four separate objectives with regard to the subject of rhetorical criticism: (1) articulate the nature of

[129] Frank (2001: 239-240). Important works by Hannah Arendt, Michael Polanyi, Walter Ong, Kenneth Burke, Steven Toulmin and Chaim Perelman and Lucie Olbrechts-Tyteca were published in 1958.

[130] Lucaites and Condit (1999: 8).

[131] Jasinski (2001: 125).

rhetorical criticism, (2) identify the object of this form of critical activity, (3) identify specific procedures or methods for practicing criticism, and (4) specify the particular function(s) or purpose(s) of rhetorical criticism.[132] In 1973, D.C. Bryant offered a definition of rhetorical criticism that seemed to provide a sense of its nature:

> Rhetorical criticism… is directed to (1) discovering and explicating the elements and form of particular discourses; (2) generalizing particular discourses, or their informative-suasory dimensions into the wider phenomena of the rhetorical, especially public address; (3) showing how particular discourses participate in families of didactic and suasory discourses to which they may be related; and finally (4) supporting value judgments.[133]

In the formative period of rhetorical criticism, scholars spent a great deal of energy trying to decide how they were to go about their work in the absence of an over-arching theory upon which to proceed (as the Wingspread Conference in 1970 stands tribute).[134] In the end the field seemed to settle on a set of objectives. Rhetorical criticism proceeds along the following lines:

> (1) It *defines* either implicitly or explicitly its object.
>
> (2) It *classifies* its object in a specific category or genre.
>
> (3) It *analyzes* as it seeks to describe how an object is put together and how it works. This involves the careful reconstruction and unpacking of an object's structure, design and constituent features.

[132] Jasinski (2001: 125-144).

[133] Bryant (1973: 34-35).

[134] Bitzer and Black (1970).

(4) It *interprets* by a process of decoding and translating. It takes something that may be opaque or confusing, a word, phrase, passage or text and makes it intelligible by bringing out its latent meaning and.

(5) It *evaluates* and assesses the effectiveness of the object of study.[135]

The above criteria can be said to form the background to any of the work in rhetorical criticism that has taken place in the later-half of the twentieth century and this also applies to rhetorical criticism of the Hebrew Bible.

1.13 The Beginnings of Rhetorical Criticism in Biblical Studies in the Late Twentieth Century

Rhetorical criticism in Biblical studies is a recent phenomenon[136] that traces its roots to a speech given by James Muilenburg in 1968 in his presidential address before the Society of Biblical Literature.[137] Muilenburg, a form critic, felt that his chosen methodology had reached an impasse and that a new approach to Scripture using rhetorical critical methods was needed. Muilenburg was critical of the form critical method which he observed had "a proclivity to lay such stress upon the typical and representative aspects of a literary genre to such a degree that the individual, personal and unique features of a particular pericope were all but lost to view." [138] While Muilenburg thought that form critics' interest in the genre's role in the life of Israel was theoretically

[135] Jasinski (2001: 125-132)

[136] Dozeman (1992: 712); Hallo (2004: 25); Wuellner (1992: 451).

[137] Muilenburg (1969: 1-18).

[138] Muilenburg (1969: 5).

useful, the sought after *Sitz im Leben* was practically impossible to recover and reconstruct. It was this impasse that led Muilenburg to believe that form-critical analysis should be supplemented with a careful inspection of the precise verbal and thematic patterns in biblical pericopes. Muilenburg was particularly interested in trying to understand the nature of Hebrew literary composition and the structural patterns and devices that were used to fashion a literary unit, be it prose or poetry, into a unified whole. An enterprise of this nature, he thought, would qualify to be described as an investigation of rhetoric in general and the methodology to be employed as rhetorical criticism. Muilenburg, however, was not overly specific about what rhetorical critical methods he had in mind and his "school" worked without an identifiable method. What Muilenburg proposed was a rhetorical criticism that focused on the linguistic and structural features of a particular text, in its present form, apart from its generic rootage, social usage or historical development.

Muilenburg's proposal was criticised because his definition of rhetoric (as the understanding of the nature of Hebrew literary composition) and a rhetorical criticism based upon his ideas was not in accord with how rhetoric had been understood since the time of Aristotle. Aristotle's view held that the point of rhetoric was that of persuasion in the service of reaching a judgment and this was not at all what Muilenburg had in mind. One critic pointed out that, studying stylistic-aesthetic features of a text apart from the issue of 'suasion' did not qualify as rhetorical criticism.[139] What the theorists of the Muilenburg school failed to realize was that the prevailing theories of rhetoric had been

[139] Tribble (1994: 48).

victims of that "rhetoric restrained," that is, victims of the fateful reduction of rhetorics to stylistics and of stylistics in turn to the rhetorical tropes or figures of speech.[140] This is a "rhetoric restrained" that W. Wuellner argues, had its origins in the time of St. Augustine (354-430 CE) who in his *De doctrina christiana* established the practice of listing rhetorical figures of speech and figures of thought found in select parts of the Bible, a practice that had been tenaciously adhered to until the contemporary era.[141] Apparently, the scholars of Muilenburg's ueneration had not realized how rhetoric had become fragmented along its trajectory through western civilization. According to Wuellner, a rhetoric that had becomu reduced to concerns of stylistics and with the artistry of textual disposition and structure had become indistinguishable from literary criticism.[142]

Muilenburg's writings on rhetorical criticism spauned in the 1970s through 1990s a "Muilenburg School"[143] that while similar to Muilenburg's approach, over time diverged from and built it up in important ways.[144] The ensuing debate within the Muilenburg school, however, set the stage for a more broad based view of what rhetorical criticism should try to accomplish. Muilenburg and his school tended to agree

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[140] Wuellner (1992: 451-2).

[141] Wuellner (1992: 450).

[142] Wuellner (1987: 452). Wuellner cites Robert Alter's *The Art of Biblical Narrative* as an example of this tendency.

[143] Scholars associated with Muilenburg's "school" include: Bernhard Anderson, Phyllis Tribble, Walter Brueggeman, J. R. Lundbom, Dale Patrick, and others. Schlimm (2007: 260-263).

[144] Scholars who sought to build on Muilenburg's lack of a fully defined methodology for rhetorical criticism include: Greenwood (1970), Kessler (1974, 1982), Kikawada (1977), and Melugin (1979). Schlimm (2007: 248).

on three basic notions. The first was to affirm the idea that every text is both typical and unique and that rhetorical criticism should be concerned with a text's unique features. Second, there was the presumption that form and content must be interrelated in the interpretation of any text. Third, there was general agreement that rhetorical criticism had two foci: to determine the boundaries of larger literary units and to describe rhetorical devices which unify particular texts. Up until that point the Muilenburg School was in agreement with Muilenburg's original proposal that rhetorical criticism should be the study of stylistics of composition in Hebrew prose and poetry. [145]

In the 1970s, a hermenutical shift occurred among emerging rhetorical critics which became central to the progress of the Muilenburg School but differed sharply from Muilenburg's ideas. There were three issues over which Muilenburg and his School differed. The first issue had to do with whether texts should be interpreted "intrinsically" or "extrinsically." Choosing to look at texts "intrinsically" the Muilenburg School rejected the idea that the interpreter could uncover an author's intention, nor could any hermenuetic be based on this notion. Muilenberg, however, thought the opposite, favoring a rhetorical criticism which employed an extrinsic method which would reveal the texture and fabric of the writer's thoughts. The second issue on which the Muilenburg School also diverged from Muilenburg was over the question of whether texts should be interpreted diachronically or synchronically. For Muilenburg, rhetorical criticism took place within the context of form criticism which meant that it had a diachronic aspect to it. This was the case because Muilenburg was comparing poetic units

[145] Dozeman (1992: 714).

against a backdrop of "pure" *Gattungen*. The Muilenburg School, however, removed rhetorical criticism from the realm of form criticism and relocated it within the bounds of literary criticism. This meant that rhetorical criticism became a method which examined only the presunt or final form of a text which is a synchronic approach. A third issue upon which Muilenburg and his School differed was over the critical question of the relationship between form and content. In this regard, the Muilenburg School held that texts should be interpreted synchronically and intriusically, while Muilenburg held the opposite view that texts should be interpreted diachronically and extrinsically. This disagreement affected the question of how to treat of form and content, which became a central issue for rhetorical criticism. The Muilenburg School held that form meant only the present structure of a text. On the question of content, the Muilenburg School held that content is not the author's intent, but only the unique configuration of details that an interpreter imposes upon a text. This meant that finding the meaning of a text could no longer be the goal of interpretation. Muilenburg, in fact, held the opposite view that, understanding the configuration of the unique details of a text ultimately yielded a singular meaningu Nevertheless, between Muilenburg and his School there was a common concern to study the stylistics of Hebrew prose and poetry. In depite of their differences, Muilenburg's work and that of his School were deemed important and did spawn a generation of research along the lines he proposed during the 1970s through the 1990s. In fact, it can be said that Muilenburg made rhetoric and rhetorical criticism fashionable.[146] Ultimately, however, the practioners of rhetorical critical method settled

[146] Wuellner (1987: 448-463).

upon an approach that combined Muilenburg's ideas with those of his School. George A. Kennedy, however, took the subject in new directions as we will see below.

1.14 Approaches to Rhetorical Criticism after Muilenburg: The Influence of George A. Kennedy

The field of rhetorical criticism after Muilenburg expanded greatly and went off in many different directions after Muilenberg's address.[147] In the late 1980s, Wilhelm Wuellner observed that rhetorical criticism had taken us [the field] beyond hermeneutics and structuralism[148] to post-structuralism[149] and post-hermeneutics. He thought a rich harvest was in store on account of all the efforts that were then underway in the vast fields of the history of western and non-Western rhetoric—fields he thought had long been neglected and abused.[150] After Muilenberg presented his ideas and the Muilenberg School reworked those ideas, G. A. Kennedy, a New Testament scholar, sought to expand rhetorical critical methodology beyond the descriptive study of stylistics in order to probe the persuasive power of texts to influence action or practice.[151] He thought that seeing

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[147] Haynes and McKenzie (1993, 1999).

[148] Structuralism is a method of interpretation and analysis of aspects of human cognition, behavior, culture, and experience that focuses on relationships of contrast between elements in a conceptual system that reflect patterns underlying a superficial diversity. The doctrine that structure is more important than function.

[149] Post-structuralism is the extension and critic of structuralism, which is an approach to the study of cultural products such as texts. It uses analytical concepts from linguistics, psychology, anthropology, and other fields to interpret those structures.

[150] Wuellner (1987: 449

[151] Dozeman (1992: 715).

rhetorical criticism as focusing only upon styistics was a limitation and distortion of the discipline of rhetoric that should be set aside.

Kennedy thought rhetorical criticism was more of a historical enterprise and that texts should be studied from the the point of view of the author's intent, its final form and how it would have been perceived by an audience of near contemporaries.[152] Kennedy's reasons for redefining rhetorical criticism in the way that he did were both historical and hermeneutical. His historical interest was lodged in the idea of restoring the connection between rhetoric and persuasion. This idea arose from his understanding of classical rhetoric, where argumentation for the purpose of influencing or persuading was a core concern. On the question of hermeneutics, Kennedy's ideas were also related to his understanding of classical rhetoric. Kennedy's emphasis on the question of persuasion in a text raised two questions that became crucial to rhetorical critical discussions. The first was how experience was organized in a text, and second, how does the organization of a text precondition certain attitudes toward the world and other people in both the writer and the reader.[153] The results of Kennedy's work was to show that texts should not be treated as isolated objects of study in which sylistic features are described, but rather as an object to be placed and comprehended within their historical context. Kennedy further expanded the reach of rhetoric as embodying an inherent relationship between the text and the world from which it emerged. By contrast with Muilenberg, who advocated for

[152] Kennedy (1984: 4-5).

[153] Kennedy (1984: 1-38).

an ahistorical approach to rhetoric, Kennedy joined Chaim Perelman, Lloyd Bitzer and others who emphasized the importance of evaluating texts within their historical contexts.

Chaim Perelman and his colleague Lucie Olbrechts-Tyteca were interested in identifying the basic methods used in contingent arguments[154] addressed to audiences of any sort. They co-produced one of the most important and influential contributions to modern rhetorical critical theory in their 1958 study, *The New Rhetoric: A Treatise on Argumentation.* That treatise was followed up in 1982 by Perelman in a shorter version, *The Realm of Rhetoric* which revised and updated the findings of the former. In this second volume, Perelman focused on two questions: (a) how claims of reasonableness arise in prose that is not formally logical, and (b) what does justification of values look like in actual verbal discourse? These two questions will become important later in this study when I apply Perelman's insights on argumentation to the text of Deuteronomy.

Phyllis Tribble, in her 1994 survey of developments in the field of rhetorical criticism in the late twentieth century, explains Perelman and Olbrechts-Tyteca's approach of *The New Rhetoric:*

> The authors explicated a philosophical base for the domain of argumentation. They held that through agreed upon principles, argumentation seeks to establish a

[154] Contingent argumentation is variously associated with the realm of the uncertain, the "more or less" and the probable. What is called the contingent assumes central importance for the topics and issues of rhetorical dispute. This is because, in one of his pivotal distinctions, Aristotle defined the locus of the rhetorical as that which had not been decided, that which still appeared to speakers and audiences as unsettled. His idea was that specialized sciences and logical inquiry made available reliable material and formal truth criteria for certain subjects; hence, he saw no reason for an art of persuasion and judgment in those areas. Instead, rhetoric was best addressed to those matters about which reasonable people could expect to disagree. This area is still described by rhetoricians and philosophers under the rubric of contingency. Farrell (1996: 144).

> community of minds for debating issues and obtaining assent. Of the five parts of classical rhetoric, they privileged *inventio* (the material gathered) and *disposito* (the arrangment), subordinating *elocutio* to its function within argumentation, and ommitting *memoria* and *actio* as inapplicable to contemporary culture. Of the three elements involved in every act of communication (speaker, speech, and audience) they privileged the relationship of the speaker and the audience and thus the social historical context for rhetoric. Of the three types of speech, they appealed to each: the epideictic, the deliberative and the judicial. Though they declared that rhetoric characterizes all human discourse, the bulk of their discussion classified and described techniques of argumentation.[155]

The rhetorical critical approach to biblical texts that developed in the decades after Muilenburg, drew on Greco-Roman classical roots. This is also true for the work of Perelamn and Olbrechts-Tyteca as I will explain further in Chapter Three. Grounding rhetorical criticism in classical Greek rhetoric was particularly advantageous for New Testament studies because the New Testament authors were Hellenized Greek speaking individuals and were no doubt familiar with Greek rhetorical traditions. In the 1980s, it was natural for George A. Kennedy, a classics scholar, to draw upon these traditions of rhetorical construction for his work in the New Testament. Kennedy observed that rhetoric had been a systematic academic discipline universally taught throughout the Roman empire. Given that the books of the New Testament were written in Greek to be read by Greek speakers, many of them with some experience in Greek education, the use of Greco-Roman catagories and methods may be a better and more natural fit for New

[155] Tribble (1994: 56).

Testament studies than for Hebrew Bible studies, but, he opined this is not necessarily the case.[156] Kennedy felt that:

> Old Testament scholars would benefit greatly from self-consciously focusing upon speeches and other discourses in the Bible with an eye to discerning the means of persuasion practiced. We may note that the point of all religious writing may be seen as "rhetorical" in the sense that it attempts to change behavior (and to convince). In that sense, the entire Bible is rhetorical and biblical rhetorical critics can study the arguments of any biblical author to discern the means of persuasion.[157]

Kennedy and other scholars who were working in biblical studies in that era began to apply Neo-Aristotelian methods and other critical apporaches to their rhetorical studies of the Hebrew Bible and the New Testament texts in order to break new ground in their understanding of how argumentation and persuasion could be seen to proceed in their chosen object of inquiry. [158]

1.15 *On the Rhetorical Critical Method*

Edwin Black,[159] an important scholar of rhetoric whose work helped shape modern rhetorical critical methods, commented on the inherently personal nature of rhetorical criticism:

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[156] Kennedy (1984: 1-9).

[157] Kennedy (1980: 120-125).

[158] A representative list of scholars includes: Gitay (1993, 1996); Lundbom (1975); Katz (1986); Lenchak (1993; Renz (2002); Rowlett (1996); Warner (1990); Kennedy (1984); Patrick and Scult (1990); Duke (1990); Polzin (1980); Watson and Hauser (1994). This last citation by Watson and Hauser was a comprehensive bibliography published by Brill.

[159] Black (1978).

> Methods, then, admit of varying degrees of personality. And criticism, on the whole, is near the indeterminate, contingent, personal end of the methodological scale. In consequence of this placement, it is not possible or desirable for criticism to be fixed into a system, for critical techniques to be objectified, for critics to be interchangeable for purpose of [scientific] replication, or for rhetorical criticism to serve as a handmaiden of quasi-scientific theory, The idea is that critical method is too personally expressive to be systematized.[160]

Notwithstanding Black's comments above, concerning the lack of a universal methology being available to the rhetorical critic, the debates of Muilenberg and his "school," and the work of George A. Kennedy, the 1990s saw the emergence of some common methodological elements to rhetorical critical analysis. There are generally three prominent features of the rhetorical critical method that are applied to a given text or corpus under review that I will follow in this study:

1. Texts are to be addressed as a synchronic whole within their historical context.
2. The scholar will normally make use of one or more modern literary or critical theories.
3. An effort to understand the "meaning" or "meanings" of the text becomes an important goal.

Kennedy, whose research sought to advance the project of rhetorical criticism generally, developed a methodological approach to rhetorical criticism. Kennedy thought that his approach would help to fill the void between *form criticism* on the one hand and *literary criticism* on the other hand and that it would certainly be applicable to Hebrew

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[160] Black (1978: xl).

Bible studies. Kennedy's six-step model[161] for rhetorical critical analysis, drawn from many sources including *form critcism,*[162] modern rhetorical critical theory,[163] and classical Greco-Roman rhetorical catagories, provides a useful guide for rhetorical critical analysis. I will follow some aspects of Kennedy's approach in this study, but will diverge from Kennedy's neo-Aristotlian model by using the concepts found in *The New Rhetoric* for my analysis of the rhetorical argumentation that we will encounter in Deuteronomy. Nontheless, I have adapted Kennedy's organizational system, and for the sake of clarity, and filled in some of details that I thought were missing from his own outline of his approach. Kennedy's model may be described in the following way:

1. Determine the rhetorical unit: The rhetorical unit must have a beginning, middle and an end. In some cases, a smaller unit is obvious, like for instance Dt. 32: 1-46—The Song of Moses. If the unit is contained within a larger work, it is important to bear in mind the overall rhetoric of the book. The rhetoric of large units often has to be built-up from smaller units. One rhetorical unit may be contained within a large one and serve to build up a structure that embraces a whole book. The rhetorical unit should have some magnitude with some discernable beginning and ending connected by some action or argument. In this study, the book of Deuteronomy will be treated a

[161] Kennedy (1984: 33-38).

[162] Renz (2002: 13), According to Renz, form criticism consists of a five-step process, as follows: (1) isolation of the unit, (2) analysis of the structure (*Form*), (3) description of the genre (*Gattung*), (4) definition of the setting or settings, and (5) statement of the intention, purpose, or function of the text. The form critical model has some similarities with Kennedy's model.

[163] See 1.13 and 1.14 above.

coherent rhetorical unit notwithstanding its six recognized divisions.[164] I have chosen to take this approach because, while Deuteronomy contains sub-divisions or sub-units, the work as synchronic whole has strong evidence of thematic unities that cut across all of its internal boundaries.

2. Define the rhetorical situation and the audience: This concept was first articulated by Lloyd Bitzer in 1968 and was considered by Kennedy to be a useful tool of practical criticism. [165] The concept of rhetorical situation goes beyond the notion of the *Sitz im Leben.* It is concerned with the relationship between persons and their environment and with the origin and goal of the communication act as well as its historical context. Bitzer's concept of the *rhetorical situation* goes to the heart of the rhetor audience relationship and, was an important concept in Kennedy's model. I will employ Bitzer's ideas when analyzing the relationship of the narrator/authors of Deuteronomy and the several audiences that exist in text. In addition to Bitzer's ideas, I will use some concepts from other scholars including, Walter Ong,[166] Lisa Ede and Andrea Lunsford,[167] and Robert Polzin[168] who have made significant contributions to understanding the rhetor-audience relationship. In Chapter

[164] See footnote #2 in the Introduction.

[165] Bitzer (1968: 1-14).

[166] Ong (1975: 9-21).

[167] Ede and Lunsford (1984: 155-171).

[168] Polzin (1981: 193-211).

Two, these scholars will help us understand more clearly the dynamics of this relationship in Deuteronomy.

3. Identify the overriding rhetorical problem to which the discourse is addressed: There are two classical frameworks for this type of determination. The first is to pinpoint the *stasis,* that is, to state what specific question is at issue. The second, is to specify what kind of judgment is being demanded of the audience. In this study, I will demonstrate that, the overriding concern on the minds of the narrator/authors of Deuteronomy was how to overcome the threat of apostasy (the *stasis*). The narrator/authors purpose was to persuade the audience to reject foreign gods and all aspects of their worship practices and mentality that embraced those practices so that they might live in the land the God had promised them (the judgment).
4. Clarify the rhetorical genre (*inventio*): What Kennedy had in mind, is that the critic seeks to discover the arguments that the rhetor constructed or invented to address the rhetorical situation. The critic needs to engage in line-by-line analysis in order to identify the arguments including: premises already accepted by the audience, assumptions, presumption and topics. The critic needs to identify whether the arguments appeal to one of the three modes of argumentation: *ethos, pathos,* or *logos.* The critic must also define the function of these arguments in addressing any exigence that may exist. This step involves determining what subdivisions are found, what is their persuasive effect, and how these parts do or do not work together for some unified purpose to address the rhetorical situation. Kennedy's work in

rhetorical criticism is firmly lodged in classical categories because his interests were mainly New Testament. In this study, classical categories will stand in the background and not be the main means of analysis because I have concluded they cannot get to the heart of the arguments being made in Deuteronomy. In this study of Deuteronomy, which seeks to unravel the rhetorical structure and argumentative techniques used by the narrator/authors of the work, I will be employing the analytical techniques of Chaim Perelman called Argument Schemes.[169] These will assist us to identify the types of premises upon which the narrator/authors relied and techniques they used in their argumentation. Perelman's interests centered around the questions of how people establish value hierarchies and reach value judgments when informal arguments are employed in contingent situations. As Deuteronomy was composed outside of the orbit of classical Greek rhetoric, Perelman's New Rhetoric provides a new conceptual framework to describe and comprehend the argumentation in Deuteronomy that fits well with its rhetorical situation.

5. Identifying rhetorical techniques or style (*dispostio*): In this stage of the critical analysis, the critic needs to determine how previous rhetorical choices (1-4 above) worked to create a particular arrangement (*dispositio*) of the arguments. Here Kennedy combines this category with another from classic rhetoric, that of *elocutio*.

[169] Perelman (1982).

6. Identifying rhetorical strategy as a synchronic whole: The critic at this stage must analyze the overall rhetorical strategy designed to move the audience or reader to agree with the reader or writer. Here the opportunity exists to describe the whole argument as something greater than its rhetorical parts.

1.16 Summary

We have touched upon many aspects of rhetoric's historical trajectory in this review. We've gotten a feel for how things got started and how they developed. We've seen how the revival of rhetoric in the American academy in the first half of the twentieth century transitioned in the second half of the twentieth century into a subject of inquiry with broader contemporary warrant. A new type of rhetorical analysis emerged that dealt more broadly with theories of discourse and epistemology, investigating the relationships among language, persuasion, knowledge and social control.[170] We have also come to appreciate the development of the rhetorical critical method, its aims and concerns. Let us now begin to explore more closely, some of the theoretical rhetorical critical approaches that are available and see how they help us understand argumentation and persuasion in the book of Deuteronomy. We begin in Chapter Two by examining the *Rhetorical Situation and Audiences of Deuteronomy.*

[170] Tull (1999:157).

Chapter Two:

The Rhetorical Situation and the Audience in Deuteronomy

Abstract

This chapter will introduce the reader to a number of concepts that will be employed in my discussion: rhetorical situation, mutual fictionalization, "invoked" versus "addressed" audiences, and "reporting" versus "reported" speech. At a theoretical level, these concepts will be helpful in arriving at a deeper appreciation of the dynamics of the rhetor/audience relationship, which is closely linked to understanding the nature of the rhetorical situation. These ideas have practical application to the rhetorical critical analysis of Deuteronomy in that they provide different and complementary ways of looking at the prerequisites to the emergence of argumentative discourse that occurs in Deuteronomy. This chapter will seek to establish the idea that the problem of apostasy was at the heart of the problem that the narrator/authors of the work were trying to address and was a central element of their rhetorical strategy. This chapter will also provide insight into the various audiences, or discourse communities, that the narrator/authors address in the text of Deuteronomy. Further, the presentation of the different audiences in Deuteronomy reveals how the narrator/authors framed their program in order to have wide social appeal to the generation of Israelites who received it.

2.1 The Rhetorical Situation

Let us begin by defining what we mean when use the term the *rhetorical situation*. Lloyd Bitzer was the first modern major theorist to treat the rhetorical situation as a distinct subject. He theorized that a particular discourse comes into existence because of some specific situation or *exigence,*[171] which invites an

[171] An *exigence* is an imperfection marked by some degree of urgency; it is a defect, an obstacle, something waiting to be done, a thing which is other than it should be. It is necessarily related to

utterance. He observed that every discourse has a context and a background of factors that brought the rhetor to the point where he/she felt required to say something.[172] Rhetorical works, he wrote, belong to the class of items which obtain their character from the circumstances of the historic context in which they occur. Other factors can be sociological, psychological or cultural. Bitzer believed that the situation controls the rhetorical response in the same sense that the question controls the answer and the problem controls the solution.[173] Not the rhetor and not the persuasive intent, but the situation is the source and ground of rhetorical activity.[174] He defined a rhetorical situation as:

> A complex of persons, objects, and relations presenting an actual or potential *exigence* which can completely or partially be removed if discourse, introduced into the situation, can so constrain human decision or action as to bring about the significant modification of the *exigence*. Prior to the creation and presentation of discourse, there are three constituents of any rhetorical situation: the first is *exigence;* the second and third elements of the complex, namely the *audience*[175] to be constrained

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interests and valuation. An exigence is rhetorical when it is capable of positive modification and when positive modification requires discourse or can be modified by discourse. Bitzer (2016: 221).

[172] This is reminiscent of the Sophistical approach discussed in Section 1.5 above.

[173] Bitzer (2016: 217-225). This is a reprint of Bitzer's original 1968 publication.

[174] Bitzer has not gone without critique from other scholars concerning his ideas about the nature and existence of the rhetorical situation. A series of four articles on this topic are available in Porroveccehio and Condit (2016: 155-194): *The Evolution of the Rhetorical Situation*. These articles review various responses to Bitzer, none of which undercuts the validity of his insights on the topic. Therefore, I am using his original formulation in this study.

[175] Bitzer states with regard to the rhetorical *audience,* that since rhetorical discourse produces change by influencing decision and action of persons who function as mediators of change, it follows that rhetoric always requires an audience. It is also clear that a rhetorical audience consists only of those

in decision and action and, the *constraints,*[176] which influence the rhetor and, can be brought to bear upon the audience.[177]

2.2 *Deuteronomy's Rhetorical Situation*

In light of Bitzer's comments, how should we describe Deuteronomy's rhetorical situation? As we are focusing on matters internal to the text of Deuteronomy, we can observe that the narrator/authors do not directly reveal the actual historical circumstances that prompted their composition. The e*xigencies* and *constraints* that stand as silent witnesses behind the text, and which were operative, but not initially managed by the narrator/authors, must perforce remain behind the opaque veil of history to a considerable degree, notwithstanding the fact that much is known about the era of Deuteronomy's creation. Nonetheless, while we are not without good evidence that allows us to peer behind the veil, we must apply what we know indirectly due to the reductionist way the narrator/authors convey their Yet,there information.[178] Yet, can be little doubt that when it comes to the circumstances

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persons who are capable of being influenced by discourse and of being mediators of change. Bitzer (2016: 221).

[176] Beside exigence and audience, every rhetorical situation contains a set of *constraints* made up of persons, events, objects, and relations which are parts of the situation because they have the power to 'constrain' decision and action needed to modify the exigence. Standard sources of constraints include beliefs, attitudes, documents, facts, traditions, images, interests, motives, and the like; and when the orator enters the situation, his discourse not only harnesses constraints given by situation but provides additional important constraints-for example, his personal character, his logical proofs, and his style. There are two main classes of constraints: (1) those originated or managed by the rhetor and his method, and (2) those other constraints in the situation which may be operative. Bitzer (2016: 222).

[177] Bitzer (2016: 220).

[178] It can be plausibly argued that Israel's unhappy encounter with Mesopotamian civilization—beginning in the mid-eighth century BCE, with the appearance of the Neo-Assyrians c. 745 BCE, through the period of the Babylonian Exile ending in c. 539 BCE—are sufficiently adverse circumstances for there to have been both *exigencies* and *constraints* that needed to be addressed by the narrator/authors of Deuteronomy. The text does not address these circumstances directly but accounts for them by coded

surrounding the composition of Deuteronomy, religious, historical, sociological, psychological and cultural factors all certainly came into play. These factors equal the *exigencies* and *constraints* of the *rhetorical situation* that we find reflected in the text. Given what we know of the historical circumstances of Israel and Judah in the late eighth through the mid-sixth centuries BCE, the idea that those circumstances might provoke a strong response like Deuteronomy should come as no surprise. While they left a lot unsaid about their rhetorical situation, the narrator/authors of Deuteronomy, nonetheless, do give unmistakable clues as to what was of utmost concern to them. From these textual clues, we must arrive at an opinion on the matter of what they were getting at. The way in which the narrator/authors let us know their most fulsome concerns is the extent to which they highlight issues in the corpus through the technique of repetition.

For the narrator/authors of Deuteronomy, the threat of *apostasy*[179] was so palpable that they went into extensive detail about it. My use of the term apostasy is employed in a broad sense, as encompassing the entire range of practices and particularly the intellectual frame of reference or structure of reality that is linked to apostasy (in short, polytheistic belief).[180] The level of detail they

literary reference. What Bitzer calls "*constraints,"* Edwin Black calls "extra-linguistic influences on an audience." Black feels that the rhetorical situation refers to the prevailing state of the audience's conviction, the reputation of the rhetor, the popularity and urgency of the subject–in sum, all the extra-linguistic factors that influence an audience's reaction to a rhetorical discourse. Black (1978: 133).

[179] Apostasy is an act of refusing to continue to follow, obey, or recognize a religious faith; an act of refusing to continue to follow, obey or recognize a religious faith; abandonment of a previous loyalty: a defection.

[180] See section 2.3 below: Categories of Apostasy.

display in their narrative, reveals that the narrator/authors had a depth of knowledge and understanding about the subject. The origins of this exigence was two-fold, the first being the legacy of Canaanite religious practice in the land of which Israel had been a part, and the foreign political and religious presence in the land from the Neo-Assyrian empire. The narrator/authors, who were undergoing their own intellectual transformation, foresaw its potential deleterious influence upon Israel's future identity, and refused to leave the matter unchallenged. These objective circumstances served as a constraint upon their actions in the sense that if the foreign presence were either not there, had never been there, or removed somehow, their thinking might have evolved in an entirely different direction. Were that the case, there would may have been no need to compose Deuteronomy. In other words, the facts of their rhetorical situation were something they were compelled to address, and it constrained them in both thought and action.

There are ninety-eight verses that have connection to the topic of apostasy in Deuteronomy. This considerable number of verses form a body of *prima facie* evidence about the type of *exigency* that was *constraining* them and which was provoking their response. The narrator/authors weave the fear and danger associated with apostasy throughout the text of Deuteronomy. It is spread out through nineteen chapters and found in every recognized division of the text.[181] From the frequency of its repetition and its context, it is hard not to conclude

[181] See Introduction note # 2.

that this topic held a special significance for the narrator/authors who saw this issue as a danger to Israel's future existence.[182] It is likely that what the narrator/authors were trying so hard to thwart was occurring among the citizenry of the land of Israel on their watch.[183] In Chapter Four, I will show how the issue of apostasy is woven into the rhetorical design of Deuteronomy as a major premise and will explain its significance for the rhetorical structure of the work.

Louis Stulman has observed that an ethos of encroachment has long been recognized in the Deuteronomic traditions and a focal of concern for group survival gives the work its distinctive character. Life and death, survival and annihilation were constantly before the Israelites on the pages of Deuteronomy. Stulman commented:

> In Deuteronomy… contacts with "outsiders" or "foreigners" is perceived as, unavoidable yet dangerous. It is unavoidable because Israel lacks the power to insulate itself from harmful outsiders. It is dangerous because foreigners pose a threat to the integrity of the boundaries and thus to security and well-being of the community. In response to this awareness of encroachment and danger, Deuteronomy attempts to produce a program in which the integrity of Israel's internal boundaries is (re)established and clarified in order to protect insiders from the potentially harmful outsiders.[184]

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[182] Timothy Lenchak also highlights this issue in his study, Moses' Third Discourse Dt. 28:69-30:20. Lenchak (1993:108-118).

[183] Niehr (2010: 23-36), Milgrom (1998: 1-3), Crouch (2012: 541-554). Niehr (1995: 45-74).

[184] Stulman (1990: 613-614).

Stulman is correct in his analysis as far as he goes with it, but there was more to Israelite concerns, even though we can affirm that encroachment was indeed a part of the rhetorical situation. The narrator/authors present the major threat to Israel's internal and external boundaries as "turning or being lured away" from the exclusive worship of Yahweh, and this was the *stasis* of Deuteronomy, that is, the specific question that they are attempting to address.[185] The narrator/authors work to devise an effective strategy to cope with the "turning away" that, in part, was coming from the encroachment to which Stulman refers. The problem of "turning away" is the problem of apostasy against which they take a firm stance.[186] This struggle came to occupy an intriguing place in their argument strategy. We will come to see in Chapter Five: The Enduring Legacy of Deuteronomy: Embracing the Particular and Reaching for the Universal, that in their struggle against apostasy, the narrator/authors reveal that they had other important ideas in their minds to advance, other than how to cope with the issues of encroachment and apostasy, as important as they were.

2.3 Categories of Apostasy: Describing the Exigencies and Constraints in Deuteronomy

The narrator/authors of Deuteronomy highlight six distinct categories of worship practices or behaviors against which they issued dire life and death warnings to Israel. Taken together as a single category ("apostasy"), they loom

[185] Dt. 5:29; 7:3-4; 9:16; 11:16, 28; 12:30; 13:3, 7, 14; 29:17, 25; 30:17; 31:18, 29. (15).

[186] Katz (1986: 80-112).

substantially larger than the term ‘idol worship’ or ‘idolatry’ conveys. This collection of beliefs and practices represents one particular worldview, [187] which in this study we will refer to as a “structure of reality.”[188] It was in reference to that existing structure of reality that the narrator/authors were strenuously trying to reject certain aspects of it and while at the same time, offering a different vision of a new structure of reality as a replacement. The most significant aspect that they rejected was the validity of an opened ended multiplicity of divine representation through images. I will have more to say about that subject in my final chapter. Their practical method to deal with this issue was to characterize apostasy as a crime worthy of a death sentence and serious enough to warrant expulsion of the entire Israelite population from the land.

The narrator/authors mention six categories of behaviors or actions considered as apostasy that they pose in the negative: (a) worshiping ‘other’ gods, (b) making idols or images of any kind, (c) following the ways of the nations, (d) use of objects associated with foreign worship, (e) engaging in mantic practices, and (f) engaging in astral worship. A seventh topic (g) is the

[187] It is not my purpose here to enter into an extended description of that worldview. However, one of the best descriptions I have found of this worldview is that of Michael Fishbane who wrote: "In this worldview, the gods are immanent and near, and there is a deep harmony linking man and god and the world. This harmony is truly ontological. And how could it be otherwise? Do not man, god, and the world share the same substance? Is not mankind created out of the very bodies of Tiamat's cohorts in *Enuma elish,* even as the world is itself carved out of her desiccated hulk? The same energies flow throughout all being, indeed, there is a macrocosmic-microcosmic homology: all is linked, and every level of being ontologically ‘mirrors’ all others. The cosmic *organum* is thus redolent with ‘sympathies’ and correspondences; an intricate and eternal network of correlations links gods, and men, gods and nature, men and nature. Within this mythic monism, man could always say ‘I am also that.’" Fishbane (1989: 50-51).

[188] Following Perelman (1984: 81-105).

host of derisive epithets that expresses their opinion on the nature or value of such practices. It is important at this stage that we identify and locate these features so that we may appreciate their full significance as one of the main driving concerns in the overall composition of the book of Deuteronomy. The uncompromising stand taken by the narrator/authors on these issues and the breadth of their attack against them, shows that the writers had a thorough understanding of the subject of apostasy and a strong opinion about the danger it posed. By the extirpation of the above practices, their intention was to change the mental outlook of the Israelites about such matters and thereby change the religious trajectory of their nation in their time and for all time.

(a) *The Prohibition Against Bowing Down or Serving Other Gods.*[189] There are thirty verses of admonitions against idol worship. They are expressed as going after, bowing down, being lured away to serve, or serving "other gods." These references mention that the Israelites either did not know these gods, or that they were humanly made of wood and stone, or that they had been given to the "foreign" nations by God when He created the heavens. The following verses are typical of this set of admonitions:

> Dt. 8:19: If you forget the Lord your God and follow other gods to serve them or to bow down to them, I warn you this day that you shall certainly perish.

[189] In the following footnotes (189-195), I will document the entire dataset followed by a number in parentheses (#) tabulating the total occurrences of a given feature. Dt. 4:28; 5:9; 7:4, 16; 8:19; 11:16, 28; 13:2-3, 7-8, 14; 17:2-4; 18:20; 28:14, 64; 29:16-17, 25; 30:17; 31:18, 20, 29; 32:17, 21a, 37-38.(30)

Dt. 13:2: If there appears a prophet or a dream-diviner and he gives you a sign or portent,
Dt. 13:3: saying, "Let us follow and worship another god"– whom you have not experienced–even if the sign or portent that he named comes true,
Dt. 13:4a: do not heed the words of that prophet or dream-diviner.

Dt. 28:14: and do not deviate to the right or to the left from any of the commandments that I enjoin upon you this day and turn to the worship of other gods.

Dt. 28 64: The Lord will scatter you among all the peoples from one end of the earth to the other, and there you shall serve other gods, wood and stone, who neither you nor your ancestors have experienced.

Dt. 29:17: Perchance there is among you some man or woman, or some clan or tribe, whose heart is even now turning away from the Lord our God to go and worship other gods.

(b) *The Prohibition Against Making Idols or Images of Any Kind.*[190] There are thirteen verses prohibiting the making of idols or divine images of any kind, whether they be of a man, woman, beast, insect, fish, winged creature, or anything that flies in the sky. Also banned are molten images made by hand, sacred posts, anything in the image of the heaven including the moon and stars, the entire heavenly host above or the waters below. The following verses are typical of this admonition:

Dt. 5:8: You shall not make for yourself a sculptured image, any

[190] Dt. 4:16-19, 23, 25b, 28; 5:8; 9:12,16; 27:15; 29:24-25.(13)

likeness of what is in the heavens above, or on the earth below, or in the waters below the earth.

Dt. 16:21: You shall not set up a sacred post – any kind of pole beside the altar of the LORD your God that you may make –
Dt. 16:22: or erect a stone pillar, for such the LORD your God detests.

Dt. 27:15: Cursed be anyone who makes a sculptured or molten image, abhorred by the LORD, a craftsmans' handiwork, and sets it up in secret—and all the people responded, Amen.

(c) *The Prohibition Against Following the Ways of the Nations.*[191] There are fifteen verses warning the Israelites not to follow the ways of the peoples around Israel, that is, the nations. The following verses are typical of this admonition:

Dt. 6:14: Do not follow other gods, any of the gods of the peoples about you.

Dt. 7:3: Do not intermarry with them; do not give your daughters to their sons or take their daughters for your sons.

Dt. 18:9: When you enter the land the LORD your god is giving you, you shall not learn to do the abominations of the nations.

[191] Dt. 6:14; 7:3-4; 8:20; 12:29-31; 13:7-8; 18:9; 20:15-18; 29:15. (15)

(d) *The Requirement to Destroy Foreign Religious Symbolism.*[192] There are eleven verses that refer to the banning of foreign religious objects and sites of worship. The Israelites are to destroy, smash, burn, and obliterate these places of foreign worship and symbolic representation.

> Dt. 7:5: Instead, this is what you shall do to them: you shall tear down their altars, smash their pillars, cut down their sacred posts and consign their images to the fire.
>
> Dt. 7:25: You shall consign their images of their gods to the fire; you shall not covet the silver or gold on them and keep it for yourselves, lest you be ensnared thereby; for that is abhorrent to the LORD your God.
>
> Dt. 12:2: You must destroy all the sites at which the nations you are to dispossess worship their gods whether on lofty mountains and on hills or under any luxuriant tree.
> Dt. 12:3: Tear down their altars, smash their pillars, put their sacred posts to the fire, cut down the images of their gods, obliterating their name from that site.

(e) *The Prohibition Against Engaging in Mantic Practices.*[193] There are ten verses that, strictly speaking, may or may not be seen as religious worship, as such, but are to be seen as occult practices associated with the worldview of other societies in the ancient Near East that are banned in Deuteronomy. The following verses are typical of these admonitions:

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[192] Dt. 7:5, 16, 25a; 12:2-4; 16:21-22; 20:15-17. (11)

[193] Dt.12:31; 13:2-4, 6; 14:1b; 18:10-14. (10)

Dt. 18:10: Let no one be found among you who consigns his son or daughter to the fire, or who is an auger, a soothsayer, a diviner, a sorcerer,
Dt. 18:11: one who cast spells, or one who consults ghosts or familiar spirits, or anyone who inquires of the dead.
Dt. 18:14: Those nations that you are about to dispossess do indeed resort to soothsayers and augers; to you, however, the Lord your God has not assigned the like.

(f) *The Prohibition Against Astral Worship.*[194] There are three verses which prohibit the worship of the sun, moon and heavenly host.

Dt. 4:19: and when you look up to the sky and behold the sun and the moon and the stars, and the whole heavenly host, you must not be lured into bowing down to them or serving them. These the LORD your God allotted to other peoples everywhere under heaven;

Dt. 17:3: turning to the worship of other gods and bowing down to them, to the sun or the moon or any of the heavenly host, something I never commanded.

(g) *Derisive Terminology for Foreign Gods and Practices.*[195] I have taken special note of this category by providing the Hebrew, as well as its transliteration and lexical references, in order to highlight the opinions of the narrator/authors, through their use of strongly derisive vocabulary, on the subject matter of categories (a) through (f). Whatever the source or

[194] Dt. 4:19; 5:8; 17:3; (3)

[195] Dt. 4:16, 19, 25; 7:16b, 25, 26; 9:12; 12:31; 13:7; 17:4-5; 29:16; 31:29; 32:16-17, 21a. (16)

context of these practices, the narrator/authors appear to have engineered a conceptual break with them. Intellectually, Deuteronomy advocates moving on from those widely practiced forms of divination in category (e) and the other forms of divine representation, to the promotion of a new vision Israel's spiritual life. It is their overwhelmingly derisive vocabulary that signposts a changed way of thinking about what could validly be included in their spiritual 'structure of reality' in the future. There are a least sixteen verses which use derisive terminology when referring to foreign gods, practices and acts of worship. The following verses are typical of this characterization:

> Dt. 4:16: not *behave corruptly* (תשחתון / *tašḥitûn*)[196] and make for yourselves a sculptured image on any likeness whatever: the form of a man or woman.
>
> Dt. 12:31a: You shall not act thus toward the LORD your God, for they perform for their gods every *abhorrent* (תועבה / *tôʿēbâ)* [197] act that the Lord *detests* (שנא / *śānēʾ).*[198]
>
> Dt. 7:25b: you shall not covet the silver and gold on them and keep it for yourselves, lest you be *ensnared* (תוקש / *tiwwāqēš*) [199] by it.

[196] HALOT: (2001: 1471): to behave corruptly, ruin, destroy oneself, inflict unheard of damage.

[197] HALOT (2001: 1765): something repulsive, abhorrent, something despicable. This term is extremely important for studying identity formation. See Crouch (2015).

[198] HALOT (2001: 1338-40): expresses hate or enmity, something odious, something detested.

[199] HALOT (2001: 732): to become entangled or ensnared.

Dt. 7:26a: You must not bring an abhorrent thing into your house, or you will be *proscribed* (חרם /*ḥērem*) [200] like it; you must really reject it as ceremonially unclean and *abhorrent* (שקץ תשקתנו ותעב תתעבנו / *šaqqēṣ těšaqqĕṣennû wĕta'ēb tĕta'ăbennû*) [201] for it is proscribed.

Dt. 29:16: and you have seen their *repugnant* (שקוציהם/ *šiqqûṣêhem*) things and the *abominable idols (*גלוליהם / *gillulêhem*)[202] of wood and stone, and silver and gold that they keep.

Dt. 32:16: They incensed Him with alien things (בזרים / *bĕzārîm*),[203] vexed Him with abominations.

Dt. 32:17: They sacrificed to demons (שדים / *šēdîm)*,[204] no-gods (לא אלה / *lō ʾĕlōah)*, gods they had never known, new ones, who came but lately, who stirred not your father's fear.

Dt. 32:21: They incensed Me with no-gods, vexed Me with their futilities (הבליהם / *habĕlêhem*).[205]

We have now reviewed a broad sampling of verses that set out the range of topics and behaviors that the narrator/authors considered as apostasy. The frequency of these ninety-eight verses tell us that these matters were an extremely serious

[200] HALOT (2001: 353-4): something put under a ban, forbidden, something to be devoted to destruction.

[201] HALOT (2001:1646): repugnant, ritually contaminated, detested as ceremonially unclean, unclean and abhorrent, cultic abomination, horror.

[202] HALOT (2001: 192): refers to idols, droppings, always used polemically and contemptuously as in something that is abominable.

[203] HALOT (2001: 279): a strange, or alien thing, prohibited, illicit, unauthorized, peculiar.

[204] HALOT (2001:1417-1418): malevolent demons, a spirit of the darkness.

[205] HALOT (2001: 236-7): vanity, fruitless, pointless, things that do not really exist.

concern for the narrator/authors. They posed them as involving matters of life, death and destruction for anyone engaging in those banned practices and prohibited forms of worship.[206] They represent ten percent of Deuteronomy's 959 verses. This range of banned and detested practices were the consequential results of contact with a host of foreign peoples and influences that had been present in the land of Israel—before, during, and after the time of the composition of the work. They are the literary reflections of Edwin Black's *extra-linguistic influences* and the source of Lloyd Bitzer's *exigence and constraints,* which made up a large component of the *rhetorical situation* to which the narrator/authors felt compelled to respond.

To reinforce the above ideas statistically, I note Jacob Milgrom's analysis of the general issue of idolatry occurring in Judah during the eighth and seventh centuries BCE, mentioned in the Hebrew Bible texts he dates to these two centuries.[207] Milgrom defines idolatry as the worship of all images, not just other gods, but also something thought to be an image of Yahweh. Milgrom lists fifteen instances of verses that he believes come from eighth century BCE texts: Lev 19:4, 26.1; Amos 5:26; Hosea 5:3b-4, 6:10; Isaiah 2:8, 18, 20, 10:11, 17:8, 27:9, 30:22, 31:7; Micah 1:7, 5:12-13a. Milgrom also cites at least one hundred sixty-six verses from seventh century BCE texts; thirty-six from Deuteronomy, forty-six from Jeremiah, eighty-two from Ezekiel, one each from Habakkuk and Zephaniah. By citing these instances, I am making the point that the issue of idol

[206] See: Dt. 7:10-11; 8:19; 11:17.

[207] Milgrom (1998: 1-13).

worship and worship of divine images which constituted apostasy in the eyes of our narrator/authors was, broadly speaking, an issue on the minds of a numbers of authors of other prophetic books in that era. This lends credence to seeing this issue as both an exigence and a constraint on the narrator/authors of Deuteronomy, representing one of the main features that stood in the background as part of the rhetorical situation.

2.4 A *Further Constraint on the Narrator/Authors: Questions about Israel's Moral Character*

There is another important objective circumstance that both touches upon the *rhetorical situation* and that constrained the narrator/authors. This constraint was the opinion of the narrator/authors concerning the moral character of the Israelites and their willingness and capacity to follow the Mosaic laws set out in Deuteronomy. It needs to be asked, what was the moral defect in the Israelite character that constrained the narrator/authors? Deuteronomy's concept of space/time embodies past, present and future with its emphasis on a future rooted in and motivated and shaped by events in the past. Deuteronomy is at pains to remind the Israelite audience that they had a checkered, troubled 'history' with both God and Moses.[208] As such, there are two distinct aspects of the future that the narrator/authors address in Deuteronomy. The first is the religious or spiritual life of the people and their past relationship with their God Yahweh, and the

[208] For example: the Golden Calf incident, the incident at Kadesh-barnea, and the incident at Baal-peor, and Moses' prediction of Israel going astray in Dt. 31:16-19.

expected non-relationship with other gods in the future. The second aspect of the future that the narrator/authors address is the Israelite's relationship with his fellow Israelite within the natural circumstances of living in an organized complex society. When it comes to this second aspect of the narrator/authors' opinion, their view is that the Israelites are a normal people–normal in the sense that they required legal mediation under specific types of circumstances. This was to insure that their cultural predispositions of social justice found adherence as much as can be expected. For example, Dt. 22 is composed of a string of secular oriented instructions or laws many of which have no stated penalties. Dt. 22: 1-3 addresses the ethics of stray sheep or oxen and what a citizen must do when encountering this circumstance. Dt. 22: 8 addresses construction methods required in order to avoid injury or death from a fall to a third party who may be on the roof of the home for some reason or other. The owner must build a parapet so as not to incur bloodguilt. Dt. 22:15 addresses what a man should do in regards to his will in the case when he has two wives that he does not love in equal measure. Dt. 23: 13- 21 addresses questions of marriage, divorce and virginity. These cases presuppose a set of normal social circumstances with imperfect human beings in need of ethical or judicial guidance and periodic legal adjudication at some point. In this context, the secular oriented laws of Deuteronomy function as a constraint upon the citizenry acting improperly and imbue them with a sense of community responsibility, which they are presumed to already possess.

However, in the case of the first aspect, that of the religious or spiritual life and behavior of the Israelites towards their God, there is a different and

negative opinion being expressed that bears directly upon the rhetorical situation, and functions as a constraint upon the narrator/authors and the Israelites as well. The historical review in Dt. 1-3 points out the many acts of disobedience and disloyalty of the people and the many acts of forbearance that God dispensed to the Exodus and pre-conquest generations. This forbearance occurred in spite of all the trouble they caused and in spite of the disloyalty they displayed upon occasion. For example, Dt. 1:26-28, the incident at Kadesh-barnea, recounts the refusal of the Exodus generation to heed the word of God and go up and conquer the land after the twelve spies had gone to reconnoiter it and returned with their report. None of them except Caleb was willing to do as the Lord required; therefore only he would live to enter the land. Later, in Dt.1:41-45, they disobey again and attempt a conquest of the land but fail miserably because the Lord withdrew His protection of them. These passages are meant to reveal their lack of loyalty, which is their unwillingness to follow the Lord's commands. This act of faithlessness and disloyalty, followed by further disobedience, results in an extended thirty-eight-year punishment of wandering through the wilderness until the unfaithful exodus generation died off. God had concluded that the exodus generation was unworthy of the inheritance of the land promised to the fathers. Pointedly, the narrator/authors even show Moses not to be immune from this inner struggle to obey the Lord, even if Moses' disobedience was unintentional.

In Dt. 3:26a, the narrator/authors remind the audience that Moses, God's personal representative and the only human to speak with God face to face, was also capable of disloyalty in the eyes of God and not immune from severe

punishment for his misdeeds. In an example of good story telling, the narrator/authors portray Moses in a most human of way as he tried to fob off blame for his own misdeeds onto the Israelites. In Dt. 3:26b-27, God sternly rejects Moses' plea to enter the land because of Moses' disobedience at the Waters of Meribah. [209] God explains to Moses that he refused to affirm His sanctity in the sight of the Israelites by striking the rock twice instead of ordering it to produce water as God had instructed him. God lets Moses know he will not be forgiven for this lapse. The incident at Meribah also shows the Israelites to be faithless and complaining, and Moses capable of wrong doing. Consequently, an unrelenting God commands Moses to ascend to the summit of Mt. Pisgah. There, God instructs Moses that he should gaze in all directions to see the land that He swore never to allow Moses to enter.[210] Here we see a duality, common to Deuteronomy's style that prepares the ground for rhetorical argumentation. The narrator/authors skillfully lead the audience to think to themselves that if such a great man can receive such a harsh punishment for simply striking a rock, how much more so God might punish a person of lesser stature for any greater act of disobedience or disloyalty. In this way, the Israelites come to understand that even when it came to Moses, God's incomparable prophet and their liberator, God does not readily forgive disloyalty. Reward and punishment become a paradigmatic form of argumentation in Deuteronomy as I will demonstrate below. We will see in Chapter Four of this study how the narrator/authors pose

[209] Num. 20:2-13.

[210] Dt. 34:1-6.

life and death choices and establish value hierarchies of preferred outcomes to argue their case to the Israelite audience.

As a final note to this section on the rhetorical situation, Deuteronomy chapter four is the place where the narrator/authors introduce the topic of apostasy and its deadly consequences for the first time. Dt. 4:3 reminds the Israelites of the destruction of those who strayed at Baal-peor. In Dt. 4:15-28 Moses expounds the strict prohibition against images, idol worship and following foreign gods and threatens utter destruction if they do not obey. The narrator/authors reiterate this theme throughout Deuteronomy wherein its overarching narrative equates apostasy with unfaithfulness and disloyalty to God. It is a mortal sin with enormously negative consequences. Within Deuteronomy, this effectively and rhetorically makes the point to their audience about what will happen to them if they are not steadfast and loyal to the Lord, or do not follow His instructions. It also shows that the narrator/authors understood human nature, and that their fellow Israelites would need both moral suasion to adapt to Deuteronomy's strictures and the threat of corporal consequences to constrain them. Deuteronomy's rhetorical design contrasts a faithful and unwavering God with an unfaithful, unworthy, disloyal, and disobedient Israel. Moses and God must wage a life and death struggle to keep on the right path. The narrator/authors present a picture of the Israelites as a people who possess a great capacity to get things wrong by spiritually going astray. It is this expectation of moral turpitude on the part of the Israelites that forms a major constraint on the thinking and actions of the narrator/authors. The narrator/authors must find a way

to overcome this problem of the inclinations of the people if they wish to lead and direct their fellow Israelites successfully.

In this discussion of *rhetorical situation,* I have highlighted both the *exigencies* and the *constraints* faced by the narrator/authors of Deuteronomy. Bitzer's conception provides a workable analytical framework that helps us understand how the historical circumstances that form the background to Deuteronomy's composition are able to be directly absorbed in the narrative. We have seen how the exigence of *apostasy,* the *constraints* of Israel's problematic moral character, and the historical background of the rhetorical situation provide the basic materials that the narrator/authors must use to begin to fashion rhetorical argumentative discourse. Let us now turn our attention to the matter of the various audiences found in Deuteronomy.

2.5 Theoretical Considerations on the Question of Audience: "Addressed" and "Invoked" Audience

Deuteronomy presents an interesting and complex set of literary circumstances when it comes to the subject of audience because there is more than one audience addressed in the text. The question is how we might best understand this important rhetorical element of audience in Deuteronomy's written discourse? The term audience refers not just to the intended, actual, or eventual readers (or hearers) of a discourse, but to all those whose image, ideas, or actions influence a writer during the process of composition.[211] This definition

[211] Ede and Lunsford (1984: 168).

complements Bitzer's and Black's notions about the rhetorical situation. R. J. Willey[212] draws attention to a long-standing discussion among modern scholars, with its roots in pre-classical Greece, about the dichotomy between audiences that are "addressed," and ones that are "invoked." [213] The issue is whether writers "*address"* readers external to their texts, or whether they "*invoke"* an audience within their texts, teaching their readers through textual clues how to relate to and read a given text. In Deuteronomy, the narrator/authors do both. Willey has traced these developments back to the earliest pre-Socratics and Sophists, who dealt with audience in a more complex way than first impression might suggest and laid the foundation for what modern scholars are discussing as the addressed/invoked dichotomy. While the details of these early discussions about audiences are indeed fascinating, they need not detain us here. It is important to note, however, that Plato's view that the rhetorician should adapt a speech to the characteristics of an audience was based on several assumptions: that the audience was a known entity, that the values and needs of the audience can be identified and that the audience is separable from the discourse and its social context.[214] Plato's influential ideas on

[212] Willey (1990) 25-39).

[213] An "addressed audience" refers to real-life people. Ede and Lunsford emphasize the concrete reality of the writer's audience; they also share the assumption that knowledge of this audience's attitudes, beliefs, and expectations is not only possible (via observation and analysis but essential). An "invoked audience" refers to the audience called up or imagined by the writer. Those who envision audiences as "invoked" stress that the audience of a writer's discourse is a construction of the writer, a created fiction. They do not deny the physical reality of readers, but they argue that writers simply cannot know this reality in the way speakers can. The central task of the writer, then, is not to analyze an audience and adapt discourse to meet its needs. Rather the writer uses the semantic and syntactic resources of language to provide cues for the reader, cues which help to define the role, or roles the writer wishes the reader to adopt in responding the text. Ede and Lunsford (1984: 160).

[214] Geza and Roen (1984: 15).

audience became the dominant perspective until modern times. His ideas may have applied well to oral communication in Plato's day where speakers had an audience in front of them. However, the idea that audiences are separable from the discourse addressed to them and separable from its social context is not considered a valid way of approaching the speaker-audience relationship in current thinking.[215] Lisa Ede and Andrea Lunsford write:

> The addressed audience, the actual or intended readers of a discourse, exist outside of the text. Writers may analyze these reader's needs, anticipating their biases, even defer to their wishes. But, it is only through the text, through language, that writers embody or give life to their conception of the reader. In doing so, they do not so much create a role for the reader (or hearer)—a phrase which implies that the writer somehow creates a mold to which the reader adapts—as invokes it. Rather than relying on incantations, however, writers conjure their vision—a vision which they hope readers will actively come to share as they read the text—by using all the resources of language available to them to establish a broad, and ideally coherent, range of cues for the reader.[216]

Ede and Lunsford suggest that the meaning of audience tends to diverge in two general directions: one toward actual people external to the text, the audience whom the writer must accommodate; the other toward the text itself and the audience implied there: a set of suggested or evoked attitudes, interests, reactions, conditions of knowledge which may or may not fit with the qualities of actual

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[215] Willey (1984: 27).

[216] Ede and Lunsford (1984: 167).

readers or listeners. Therefore, they opine that the most complete understanding of audience involves a synthesis of the perspectives of the addressed audience, with its focus on the readers, and the invoked audience, with its focus on the writer.[217]

2.6 Mutual Fictionalization: How the "Addressed" and "Invoked" Audiences Connect with the Rhetor

In Deuteronomy, the narrator/authors directed Moses' discourse to an "invoked" audience in the text, but it was not strictly speaking a fictional audience. As a matter of rhetorical strategy, however, the narrator/authors of Deuteronomy "invoked" an audience of the Exodus and pre-conquest generations, which they then presented to the contemporary generation of "addressed" audiences as their recognizable and known cultural antecedents. The narrator/authors represented that audience as a complex society with elders, chieftains, clans, magistrates, a king, rich and poor citizens, high priests, prophets, widows and orphans, woodchoppers, water carriers and individuals located in every social station and type of circumstance. They presented it as organized, and settled in urban, village and agricultural settings. In other words, they portray life in such manner that a contemporary reader or hearer in pre-exilic Judah would easily recognize as a social structure that was familiar to them. If this were not the case, it would be hard to see how their program had any likelihood of success.

In the 1970s, Walter Ong wrote that invoked audiences are always a

[217] Ede and Lunsford (1984: 167).

fiction. He meant that the writer must construct in his imagination, clearly or vaguely, an audience cast in some sort of role, and that the addressed audience must correspondingly fictionalize itself to accept the role assigned to it by the writer. [218] A reader, Ong says, has to play a role in which the author cast him, which seldom coincides with his role in the rest of actual life.[219] The creative power of the adept writer, Ong says, has the ability both to project and alter an audience's perceptions. Readers must learn or know how to play the game of being members of an audience that 'really' does not exist. What emerges from Ong's comments is a sense that a writer creates a context wherein the addressed audience and the 'invoked' audience enter into contact with each other through a process he calls *mutual fictionalization.* This is one of the major goals of persuasive rhetorical argumentation, that is, the creation of a deep bond of identification between the writer and audience. In this process, the psychological distinction between them and reality becomes blurred. [220] When we apply this idea to Deuteronomy, we will see how the narrator/authors used the 'invoked' audiences of Deuteronomy to facilitate mutual fictionalization and identification with the addressed audience of receptors as a way to set a foundation under their rhetorical argumentation.

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[218] Ong (1975: 9-21).

[219] In Deuteronomy, a late First-Temple or even an exilic "addressed" audience is being encouraged to visualize themselves as members of the fictionalized "invoked" audience of the Exodus and pre-conquest generations. Clearly, this was not the actual life of the addressed audience of contemporary Judeans.

[220] Ong (1975: 9-21).

Another view of the rhetor/audience relationship that applies directly to Deuteronomy is provided by Robert Polzin. [221] Polzin addresses two types of narrator utterances which serve the purpose of creating a gap between the "addressed" contemporaneous audience of readers or hears and the "invoked" fictionalized audience of the text. In order to better understand this process we can examine the relationship between "reporting"[222] and "reported"[223] speech in Deuteronomy. Polzin identified fifty-six verses of what he calls "reporting speech" [224] in Deuteronomy with the rest of the corpus being "reported speech." Importantly, the narrator/authors appeal to social memory for knowledge about Moses and all their cultural traditions. These two voices create a separation that also makes it clear to the addressed audience that the narrator/authors are as important a source of knowledge and information to them today about the Teachings as Moses was to the invoked audience in his day. This is the case because it was only through the narrator/author's narrative report that the addressed audience could gain access to the Mosaic Teachings. For example, Dt 1:1-5 and 4:44-49 are two sets of verses of "reported" speech that provide a frame for Moses' speech which Polzin says, does not distract the readers/hearers from its rhetorical power or the emotional content of Moses' words. A second

[221] Polzin (1981:193-211).

[222] In Deuteronomy, "reporting speech" is the speech or voice of the narrator.

[223] In Deuteronomy, "reported speech" is the direct discourse mostly of Moses but also God.

[224] Reporting speech in Deuteronomy: Dt. 1:1-5; 2:10-12, 20-23; 3:9, 11, 13b-14; 4:41-5:1a; 10:6-7, 9; 27:1a, 9a, 11; 28:69; 29:1a; 31:1, 7a, 9-10a, 14a, 14c-16a, 22:23a, 24-25, 30; 32:44-45, 48; 33:1; 34:1-4a, 5-12.

type of narrator “reported” utterance, he points out, "break-frame" by inserting some addition parenthetical information that breaks the flow of the discourse.[225] Polzin believes that these devices serve to create a distance and distinction between the “invoked” and “addressed” audiences that get the “addressed” audience more involved in the storyline by shifting back and forth from the narrated past to the narrator's present:

> We are suggesting here that the Deuteronomic narrator is pictured here as subtly reinforcing the difference between Moses' audience and his own audience so that the latter, while attending focally to Moses' powerful authority and message, is subsidiarily and intermittently kept aware of the two audiences. These "frame-breaks" force the Deuteronomic audience to shift from subsidiary awareness that they are descendants of these earlier Israelites, and therefore distant hearers of Moses' teaching, to a momentary focal awareness of this situation, and then back again to the continuing focal awareness of the earlier context of the story.[226]

Here we get a sense of how the narrator/authors made clear to the addressed audience the gap between a distinct and distant invoked audience of the Exodus and pre-conquest generations, and those contemporary pre-exilic Judeans who were also being directly addressed, and who were now hearing the narrator/authors authorative report of what happened. The narrator/author created this distinction for the rhetorical purpose of fostering in the contemporary audience of Judeans a bond with the Exodus and pre-conquest that helped them create a sense of shared

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[225] See: Dt. 2:10-12; 2:20-23; 3:9; 11:13b-14.

[225] Dt. 1:1-5; 2:10-12, 20-23; 3:9, 11, 13b-14; 4:41-5:1a; 10:6-7, 9; 27:1a, 9a, 11; 28:69; 29:1a; 31:1, 7a, 9-10a, 14a, 14c-16a, 22:23a, 24-25, 30; 32:44-45, 48; 33:1; 34:1-4a, 5-12.

[226] Polzin (1981: 207).

identity and mutual fictionalization. The creation of a shared identity was a prerequisite for them to be successful in their rhetorical argumentation.[227] In the process of creating a psychological connection between the "invoked" and "addressed" audiences, the "addressed" audience could begin to understand the intentions of the narrator/authors and the role they had assigned to them going forward.

From the above discussion, we can understand that there are a number of angles from which the dynamics of the rhetor/audience relationship at work in the rhetorical situation can be discussed. The premise upon which the notion of the rhetorical situation operates is that of a shared understanding of the circumstantial situation. From this perspective, a meeting of the minds preexists the discourse which allows argumentation to proceed that is both dispositional and action producing. We saw that, when it comes to question of audience in Deuteronomy there is a distinction to be made between the 'addressed' and 'invoked' audiences. The writer 'invokes' an audience to an another audience which is being 'addressed' in order to create identification and mutual fictionalization. This in turn is meant to foster identification with the aims and purpose of the writer or rhetor. From these ideas, we can understand that the rhetor/audience relationship is more fluid than it might initially appear. The direction of influence between the rhetor and the audience is not unidimensional going from writer to readers but is multi-dimensional and interactive. Mutual-

[227] Perelman (1984: 9-20).

fictionalization, then, was an important rhetorical technique that the narrator/authors of Deuteronomy seem to have made use of intuitively in order to create a psychological bond upon which arguments could be made. Polzin's comments regarding the two types of utterances, that of "reported" and "reporting" speech, add a third technique used by the narrator/authors of Deuteronomy to foster the acceptance by the addressed audience of the role authoritative role of narrator/authors. All of these rhetorical techniques can help us understand the dynamic complexities of the rhetorical situation and the range of techniques available to the narrator/authors to impact the perceived exigencies and constraints and harness the energies of the Israelites to move in new directions.

2.7 The Rhetorical Audience of Deuteronomy

Lloyd Bitzer, who introduced the concept of the *rhetorical situation* that we just discussed, was of the belief that while rhetoric always requires an audience, a *rhetorical audience* consists only of those persons who are capable of being influenced by discourse and of being *mediators of change*.[228] This is an important insight. Martin Medhurst, who views are similar to Walter Ong, has written about the rhetorical audience:

> The rhetorical audience is that audience that enters into the drama of reading and completes that drama not only by completing the story as told in the text, but also by becoming part of the story by extending the community whose story it is. It is not only *their* story, it is also *our* story if we identify with the

[228] Bitzer (2016: 182-3).

religious values and commitments of the storytellers.[229]

Medhurst's views on the rhetorical audience address the psychological and rhetorical advantages gained when an identification of values and commitments between rhetor and audience can be said to exist. What he describes is a deeper way of understanding mutual fictionalization that may apply to "mediators of change" particularly and the other audiences more generally. Bitzer's views on the *rhetorical audience* emphasize a dispositional outcome of the rhetorical situation. A dispositional outcome means that the narrator/authors successfully created or found a willingness or disposition on the part of certain fellow Israelites to carry forward or mediate their program to a wider audience. Bitzer's views thus penetrate into the sociological and motivational aspect of the rhetor/audience relationship. Medhurst and Bitzer offer two useful views of the dynamics and outcomes of this relationship. They open a door that reveals what rhetoric is able to accomplish.

2.7.1 The "Mediators of Change" are the "Addressed" Audience of the First Order

Bitzer defined the *rhetorical audience* as being comprised of only those who could be "mediators of change." This is a useful and incisive idea that raises some questions. Who were the "mediators of change" that the narrator/authors sought to influence by their arguments and motivate as agents of change? In other words, who was Deuteronomy's rhetorical audience of the first order? Whoever the narrator/authors of Deuteronomy may have been, they no doubt would have been writing, initially, for a literate audience of contemporary

[229] Medhurst (1991: 220).

Judeans.[230] In late First Temple times, the literate class would have included members of the Levites, priests, scribes, the royal administration, prophetic circles, members of the military leadership and officer corps, and magistrates of the court system both local and national who were all socially present in eighth through early sixth century Judea.[231] We may add to this group contemporary Israelites also from the upper classes of Judean society who might have been literate enough to read and write. These individuals were likely engaged in the normal activities of life and commerce while living in a complex society that was part of a large empire.[232]

Dt. 17:18 names the Levitical priests[233] as being in the position to produce a copy of the Teaching for the King that it may remain with him so he may read

[230] Literate, in this historical context, meant being able to both read and write per Christopher Rollston's definition. "Literacy is the possession of a substantial facility in a writing system, that is, the ability to write and read, using and understanding a standard script, a standard orthography, a standard numeric system, conventional formatting and terminology, and with minimal errors of composition or comprehension." Rollston (2010:127).

[231] Ian Young has pointed out that scribes, administrators and priests formed a special class of people who both possessed and used skills in reading and writing. Young (1998: 412). In exilic or even post-exilic times, the constituents of this first audience would have been somewhat different, but would still have been members of the literate classes.

[232] Ian Young has written that the ability to read was a matter of social standing among the upper class who prided themselves on being part of the literate elite in the late First-Temple period. Young (1998: 411).

[233] In Deuteronomy, there are two classes of Levites mentioned. One is "the Levite living in your gates" meaning the towns of Israel/Judah mentioned in Dt. 12:12; 12:12-18-19; 14:27-29; 16:11; 16:13-14; 18:6-7; 26:12. The context of these references is that the Israelites shall rejoice with the Levite providing food for him because he has no portion or inheritance with his brothers from the other tribes. The other is "Levitical priests" found in Dt. 17:8-10; 17:18; 18:1-2; 19:17; 24:8; 21:9. In these contexts, they render legal decisions (Dt. 17:8-9; 21:5; and 24:8; 27:9) and they are in charge

it all his life. In Dt. 31:9-12, Moses places the *tôrâ* in the hands of the priests, sons of Levi and all the elders. This would mean that two groups were in possession of the 'official' copy of the *tôrâ* and would therefore be responsible for its preservation as well as its accuracy. Thus, it was individuals from these elite groups, through a formal educational process whatever it was, that would have possessed the recognition, competency and had the opportunity to be involved in composing, collating, taking charge of, protecting and/or promulgating the text of Deuteronomy. As such, they performed the role of being the mediators of change of the first order.[234] This category of literate elites were writing for other literate elites.[235] In other words, the narrator/authors who most likely originated from the priestly, scribal, and Levitical priestly families in Jerusalem would have been the ones to have been writing for those high status individuals closest to them at the upper levels of Judean society. In principle, then, these groups would have been the *rhetorical audience* of Deuteronomy. These, then, were the "mediators of change" from which the narrator/authors of the Deuteronomic program would have required co-operation and adherence in the era of its creation. One can postulate that a critical level of buy-in occurred on the part of these elites in order for the program imagined in Deuteronomy to gain enough critical social

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of the Torah (Dt. 17:18) Rehm (1992: 302-305). See also Dt. 33:8-11 in Moses' Farewell Blessing where Levi is assigned to be the one to teach Israel.

[234] I am not addressing the question of formal education in late First Temple times or afterward but am assuming that the needs of an administrative state required trained literate individuals to assume a variety of official roles in order for a royal administration or a temple administration to function both internally and in an international arena.

[235] Rollston (2010: 127-136); Young (1998: 239-253); Young (1998: 408-422)

momentum to go forward. We may chance to call them a religious-political oligarchy or ruling-class who would have been highly motivated to work for their own preservation and had become sufficiently identified with the values and commitments of the narrator/authors to work for its success.

2.7.2 Plausible Pathways of Dissemination

If we take the above analysis one-step further, we can hypothetically reconstruct a mechanism that might have been in place during pre-exilic times for the dissemination of a text and program such as Deuteronomy beyond the confines of Jerusalem. [236] It is important to recall that there was a dramatic development and expansion of an administrative state in Judea in the eighth and seventh centuries that resulted from the fall of Samaria.[237] The known sites of this administrative network where writing has been found from that period include: Lachish, Arad, Mesad Hashavyahu, Gideon, Tel Beit Mirsim, En-gedi and Ramat Rachel.[238] From these facts, it can be argued that, a small but not insignificant group of literate elites from all classes of the literate elites would have been disbursed throughout the cities, towns and countryside of Judea for the purpose of running the country. Among the literate elites in this administrative role were the Levities and Levitical priests whose role in the Deuteronomic

[236] After the Babylonian conquests of 597 BCE and 587 BCE in the exilic or even post-exilic environment, the constituents of these 'mediators of change' of the first order would have been somewhat different, but they would have still been members of same literate classes to the extent they survived.

[237] Finkelstein (2006: 259-285); Jameson-Drake (1991: 147-149).

[238] Jameson-Drake (1992:147-149).

reconfiguration of the judiciary was to assist in administrating and interpreting the law as Dt. 17:9 clearly states.[239]

Deuteronomy identifies the Levites as a literate class with interchangeable roles at the national and local levels. In support of such an interpretation, we can cite Dt. 18:6-8, which envisions Levites from any settlement free to travel to Jerusalem to serve in the Temple like any fellow Levite in attendance before the Lord. A further piece of internal evidence comes in the verses Dt. 31:9-13:

> Dt. 31:9**:** Moses wrote down the Teachings and gave them to the priests, the sons of Levi, who carried the Ark of the Lord's Covenant, and to all the elders of Israel.
>
> Dt. 31:10: And Moses instructed them as follows: Every seventh year, the year set for remission, at the Feast of Booths,
>
> Dt. 31:11: when all Israel comes to appear before the Lord your God in the place that He will choose, you shall read this Teaching aloud in the presence of all Israel.
>
> Dt. 31:12: Gather the people—men, women, children, and the strangers in your communities—that they may hear and so learn to revere the Lord your God and to observe every word of this Teaching.
>
> Dt. 31:13: There children, too, who have not had the experience, shall hear and learn to revere the Lord your God as long as they live in the land that you are about to cross the Jordan to possess.
> This scenario, as powerful an experience as it might have been for any

[239] Dt. 14:27; 16:18; 17:8-13;

individual, must have been especially so for any child who would have been able to experience the *tôrâ* "instructions" being read to them in Jerusalem perhaps once or twice while growing up (Dt. 6:7), seems inadequate to the task at hand. It hardly seems to be in accord with the intentions of the narrator/authors that all Israel, and especially that the children, should hear the teachings so infrequently. That there are at least forty-two verses, which demand strict observance and adherence to the laws and teachings, stated in one form or another throughout the text, demonstrates the sense of urgency that the narrator/authors attached to the topic of the general populace hearing, learning, and observing the teachings.[240] What actually seems implausible, then, would be the notion that gathering all the people every seven years to hear the *tôrâ* "instructions" read to them (Dt. 31:9-13) would be sufficient to thoroughly educate an entire population in the complexities of the teachings. It would be inadequate unless there existed another more regular manner of disseminating the teachings. Taking this analysis a step further, what we see from the texts of Deuteronomy that have we reviewed, that the Levites played a central role in teaching, administrating, and preserving the laws of Moses. This is evidence internal to Deuteronomy that argues for a multi-layered mechanism having been in place to accomplish the education of both the elite and general populations in the Mosaic teachings.

The above reconstruction paints a picture of literate countryside Levites,

[240] Dt. 5:1, 29-30; 6:2-9, 17; 8:1, 6, 11; 10:12-13; 11:8, 18-21; 12:1, 28; 13:1; 19:9a; 26:16; 27:16; 28:1, 15, 58; 29:8, 28; 30:8, 11-14, 16; 31:12-13; 32:46-47.

capable of functioning in both the Jerusalem Temple like any other Levite and therefore being capable of reading and teaching Torah in the local communities so that the common non-literate citizens could regularly hear and learn about it and fulfill its requirements.[241] Deuteronomy's prescription of study, observance, and constant inter-generational communication about the teachings, presupposes that some level of literacy and social organization in the population would be a constant.[242] This was the programmatic vision of the narrators who apparently believed that the only way their vision could outlive their generation was through proactive mediation to the next generation.

2.8 The Second "Invoked" Audience: The People of the Land Mentioned in Deuteronomy

The above hypothetical reconstruction of a dissemination mechanism has pertinence to the question of the second "addressed" audience in Deuteronomy, which would have been the populace at large. This wide audience was numerically the largest class of Judeans, made up of those who were not literate and would have needed to rely on the members of the literate elites, presumably the Levitical priests, for their knowledge of the *tôrâ* "instructions." These individuals would have had the text read, taught and interpreted to them.[243] In

[241] Leuchter (2007: 417-436).

[242] See note # 240 above.

[243] Nehemiah 8:1-12 envisions just such a scenario as does Dt. 31:10-13. This set of verses envisions a public reading of the Teachings to the entire assembly of Israel every seven years when they gathered in Jerusalem for the Feast of Booths. See also 2 Kgs. 23:2-3.

Deuteronomy, the voice of the narrator/authors speaks directly to these two addressed audiences of Judeans that we have identified. Most of the population, presumably would have heard the text of Deuteronomy read to them in a public setting,[244] and hypothetically some literate individuals might have had an opportunity to read and learn the text at some point in time contemporaneously with its creation or afterward. It would have been important for the success of the program that the second "addressed" audience and their real life circumstances found a reflection of themselves in the narrative.

The stakeholders are all those members of the community of Israelite society whose concerns or potential concerns are articulated in the various laws, statutes, and ordinances of the Deuteronomic program. The interests of the citizen stakeholders and those of the narrator/authors were in alignment over the issues of social justice generally and the impartial administration of justice in the courts of law in particular.[245] I am making the deduction that multiple copies of the text existed given the administrative structure of the Judean state that existed. This means that potentially many Judean citizens up and down the social structure had the opportunity to become familiar with the Deuteronomic program at some stage through local, public readings and teaching, as well as in legal contexts both at the local level and in Jerusalem.

[244] On the tradition of public reading in the Pentateuch see: Watts (1995:540-557).

[245] Vogt (2008: 35-44), Weinfeld (1960: 241-247).

2.8.1 A Closer Look at the Second "Invoked" Audience

Deuteronomy is notable for the fact that it goes to great length to name in considerable detail its second "invoked" audience, as will be detailed below. These specifically named types of individuals are to be understood as the second order stakeholders of Deuteronomy with direct counterparts in contemporary Judean society. As Deuteronomy's legal corpus will directly affect the lives of these second order constituents, they become a presence in the text as addressees of Moses' discourses and, as a matter of rhetorical strategy, the narrator/authors must motivate them to find reasons "buy-in" to what is proposed.

2.8.2 Constituent Stakeholders: Israel as the Collective

The most frequently mentioned constituent of the second "invoked" audience in Deuteronomy is the collective audience of Israel itself. There are a total of one hundred collective references of this type coming in many forms. Throughout the text, the narrator/authors refer to the general audience of Israelites using collective terminology, which is more or less interchangeable:

(a) all lsrael,[246] (b) the assembly of Israel,[247] (c) lsrael,[248] (d) sons of lsrael,[249] (e) thirty-two instances of the term "brothers who constitute fellow Israelites, kinsmen and also Levites,[250] (f) two references to Israelites as "the people,"[251] (g) one reference to "children of the Lord,"[252] (h) one occurrence of "the people of Yahweh."[253] As we can see, the narrator/authors used a number of different terms to address Israel as a collectivity and, most likely chose to apply different terms for the sake of literary style.

2.8.3 The General Constituent Stakeholders of Deuteronomy: Dt. 1-4

The recitation of the citizen stakeholders in Deuteronomy's second invoked audience below, demonstrates that the narrator/authors included the

[246] Fourteen occurrences of 'all Israel': Dt. 1.1; 5:1;11:6; 13:12; 18:6; 21:21; 27:9; 29:1; 31:1,7,11[2x]; 32:45; 34:12.

[247] One occurrence of the 'entire assembly of Israel: Dt. 31:30. One occurrence of 'your congregation': Dt. 5: 19.

[248] Thirty-three occurrences of 'Israel': Dt. 1:38; 4:1; 5:1; 6:3.4; 9:1;10:12; 17:4,12,20: 18:1;19:13; 20:3; 21:8; 22:19, 21, 22; 25:6, 7, 10; 26:15; 27:1, 9, 14; 29:9, 21; 31:9; 33:5, 10, 21, 28, 29; 34:10.

[249] Sixteen occurrences of 'sons of Israel': Dt. 1:3; 3:18; 4:44, 45, 46; 10:6; 23:18; 24:7; 28:69; 31:19; 32:49, 51, 52; 33:1; 34:8.9.

[250] Thirty-two occurrences referring to *'aḥ*, brother, fellow kinsmen: Dt. 1:16(2x), 28; 3:18, 20; 15:2, 3, 7 (2x), 9, 11, 12; 17:15 (2x), 20; 18:15, 18; 19:18, 19; 20:8; 22:1 (2x), 2 (2x), 3, 4; 23:20, 21; 24:7, 14; 25:3, 11. Three occurrences referring to fellow Levites: Dt. 10:9; 18; 2, 7. (Lenchak 1994: 85).

[251] Two occurrences of 'the people': Dt. 4:10; 27:11.

[252] One occurrence of 'children of the Lord': Dt.14:1.

[253] One occurrence of 'the people of the Yahweh': Dt. 27:9.

broadest possible range of people and real-life circumstances and interests when they crafted the legal and ethical provisions of the corpus. I am not addressing the question of the sufficiency of Mosaic laws to function as an actual law code, or how in fact it was used. Of paramount interest was an abiding concern with rendering impartial justice, passing on the teaching to the next generation, loving the Lord with all one's heart and soul, and particularly not engaging in apostasy. Of striking interest is the extent to which Deuteronomy's civil laws protect the interests of the common citizens. Be it in all matters (of war, farming, family matters, rape, incest, levirate marriage, courts, livestock, commerce, construction, false prophecy, the needy and destitute, strangers, widows, the fatherless), the interests of the common person were included and protected. This would indicate that the laws and rules of Deuteronomy were most likely ones that were recognizable and familiar to the addressed audience of contemporary pre-exilic Judeans.[254] Further, a *rhetorical situation* such as existed in the land, characterized by anxiety and foreboding about the future, would be the wrong time to introduce alien and unfamiliar legal concepts. The second invoked audience that was being addressed by inclusion in the legal vision of the corpus, were all those citizens who might have recourse to the magistrates in the future, or were simply living their lives with an expectation of ethical treatment in all their undertakings. As one reviews the collection of laws, rules and ordinances, it is easy to recognize from the breadth of topics and social concerns touched upon that their intention was to engage a wide, mostly lay audience. Rhetorically, this

[254] See R. Westbrook and B. Wells (2009).

wide inclusion of "invoked" audience stakeholders, paints a picture of a nation settled in its land. The vision promoted identification with the values and commitments of the narrator/authors on the part of the 'addressed' audience of contemporary Judean/Israelites who were alive in the era of its creation.

> *Dt. 1:1-16 Leadership:* These include tribal leaders, chiefs of thousands, chiefs of hundreds, chiefs of fifties, chiefs of hundreds, chiefs of ten, officials, magistrates, Levitical priests and elders.
>
> *Dt. 1:36 Calebites*: Caleb, son of Jephunneh, and his descendants who were the Calebites, a non-Israelite group that gained acceptance within Israelite society.[255]
>
> *Dt. 3:18-19 Military shock troops*: These are the troops who led the conquest. This represents the presence of a military organization and a capacity to equip soldiers for fighting wars.

2.8.4 Stakeholders from the Second Discourse: Dt. 5-11

> *Dt. 5:14 Sons, daughters, male and female slaves and strangers:* These passages apply the Sabbath laws to the entire population and enforce rest on the Sabbath. They are linked to the command to remember their own

[255] There is an interesting pun occurring in the text at this point around the story of Caleb that could be a rhetorical device used to make a point to the audience about being faithful to God. Faithfulness to God is a theme that redounds throughout Deuteronomy. The root *klb* is generally taken in Near Eastern languages as meaning a "dog." In Hebrew it is used to express the meaning a faithful servant of a high person (HALOT: 476) and can also mean dog. In Numbers 13:6 Caleb, representing the tribe of Judah, is one of the twelve spies sent out to reconnoiter the land. In Num. 13:30 he is the only one to advise Moses that they should proceed with the conquest. Because of his loyalty to God, in Num. 14:24 God lets Caleb live to enter the land and receive his inheritance. The other eleven spies are condemned to die in the wilderness as is the entire Exodus generation because of their faithlessness. The pun, which leaves one to draw one's own conclusion, might be that a man with the name that can also mean 'dog' had more value to God for his 'faithfulness' and loyalty than the other men of his generation who God condemned to die an ignoble death in the scorching desert because of their disloyalty.

slavery in Egypt, they create a moral obligation to show compassion particularly to enslaved members of the community.[256]

Dt. 5:2 Tribal heads and elders: This passage mentions the tribal heads and elders who heard God's voice at Horeb.

Dt. 7:3-4 Foreign women: These passages forbid intermarriage with women from foreign nations.

Dt. 10:8 Special status for the tribe of Levi: This passage establishes that the God set apart the tribe of Levi to carry the Ark of the Lord, to stand in attendance upon the Lord and bless his name.[257]

Dt. 11: 18-2: The children: These passages create a duty to impress the words of the Lord upon the children that they may long endure in the land.

2.8.5 Stakeholders from the Law Code: Dt. 12-26

Dt. 13:2-6 False prophets and dream-diviners: These passages set the rules for dealing with false prophets and dream-diviners that might lead the people astray by urging them to go after, and worship other Gods and thus be disloyal to the Lord. This was a capital crime.

Dt. 13:7-12 Close family members who engage in apostasy: These passages also put on notice of death, sons, daughter, wives, and closest of friends for enticing other Israelites to worship other gods which they did not know and that they had not experienced.

Dt. 13:13-17 Scoundrels who entice to apostasy: These passages also put on notice of death scoundrels from the populace that subvert other inhabitants to go worship other gods.

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[256] Other laws that touch on the treatment of slaves are Dt. 12:15-18; 24:7.

[257] See footnote #233 above.

Dt. 14:28-29 Tithing to support the poor and Levites: Here is established the provision of the full tithe, every third year, to provide for the Levite, the stranger, the fatherless, and the widow in the communities that they may eat.

Dt. 15:1-5 Debtors: These verses address the remission of debt every seven years whereby a debtor may get out from under his burden of money owed. The creditor is forbidden to dun a fellow Israelite debtor, but this rule does not apply to foreigners

Dt. 15:7-11 The needy and poor people: These passages address the obligation to care and provide for the needy who will always be a part of the population.

Dt. 15:12-18 Freeing of slaves, voluntary slavery: Here Deuteronomy treats the question of Hebrew slaves and the obligation to free them every seven years. It also clarifies how to provide for the slave once he/she released and allows for the continuation of that slavery under voluntary circumstances.

Dt. 16:18-20 Magistrates: These passages provide for the appointment of magistrates and officials for the tribes and settlements. They are to render impartial justice, and not take bribes as bribes subvert justice. Justice must be pursued, in order for society to thrive.

Dt. 17:2-6 Apostate behavior as a capital crime: These passages again put on notice of death anyone who transgress the covenant by turning to worship and bowing down foreign gods. Legal procedure is enumerated on how to deal with this eventuality which, insures that the accused gets a fair trial

Dt. 17: 8-13 Procedures for plaintiffs and defendants for difficult court cases: Here is described procedures for referring difficult court cases from a local

lower court to a higher court in Jerusalem, and for a hearing before the Levitical priests or magistrates in charge at the

Dt. 17:14-20 Kingship: These passages provides for laws for the selection of kings. He must be a kinsman and never a foreigner. The constitutional principle of every person, including the king, being subject to the written law appears in Dt. 17:18-19.

Dt. 18:1-8 Levites: These passages recite and expand the rules concerning the Levites.

Dt. 18:20-22 False prophets: These verses discuss how to recognize a prophet who is falsely speaking in the name of the Lord and how to recognize one that does speak in the Lord's name.

Dt. 19:1-21 Manslayers and cities of refuge: This law establishes cities of refuge and the rules and conditions under which a manslayer may gain protection from the blood-avenger and thus avoid shedding the blood of the innocent.

Dt. 20: 1-9 The rights of individuals mustered for war: These passages discuss the procedure of mustering for war which is managed first by priests and then officials. It provides for an authorized absence from battle for certain classes of men. These include: one who has built a new house and not lived in it; one who planted a vineyard but never harvested it; one who paid the bride-price for a wife but not yet married her; one who is afraid or disheartened.

Dt. 21:1-9 Finding a body in the open country: Here the law is concerned with community responsibilities at the rural township level. The elders of a town nearest to where a slain person is discovered must assist in determining who is responsible. There is strong sanction against incurring bloodguilt and this law provides procedures for absolution in what otherwise would be ambiguous circumstances.

Dt. 21:10-1: Rights of the conquered: This law establishes the rules of conquest and sets out what is proper behavior for troops who have conquered

a city.

Dt. 21:22-23 The body of an executed person: This law discusses the procedure for dealing with the corpse of a man put to death for a capital offense.

Dt. 22:1-4 Care of livestock: This law provides an obligation for citizens to protect stray livestock on behalf of the fellow whose beast had gone missing and for raising a beast who has fallen and cannot get up.

Dt. 22:5 Crossdressers: This law prohibit cross-dressing and homosexuality. Women must not wear men's apparel nor men wear women's clothing. These acts are abhorrent to the Lord.

Dt. 22:8 Concerning building practices: This law requires the construction of a parapet on the roof when building a house so as to avoid blood-guilt if someone were to fall from it.

Dt. 22:9-21 Family law: These laws deal with family matters and offer protection and procedures for a woman falsely accused of not being a virgin and for determining the truth of the case. The girl's father and mother, and the elders, become involved in determining guilt or innocence. This issue becomes an important matter for the honor of the family name and in not allowing injustice to prevail in family relations or in the community at large.

Dt. 22:22 *Adultery:* This law provides that lying with another man's wife is a capital offense.

Dt. 22:23-28 Rape: This provision discusses the accusation of rape of a virgin who is engaged to another man and how to determine guilt in this case. It also discussed what to do about the rape of a virgin who is not engaged to be married.

Dt. 23:1-25 General legal matters affecting various stakeholders: These passages deal with a series of issues which include: prohibition against marrying a father's former wife, one who had his testes crushed, bastards not being admitted to the congregation, prohibitions against Ammonites and Moabites from entering the congregation, nocturnal emissions which occur when a soldier is in the war camp, prohibitions against male and female cult prostitution, not charging interest on loans to Israelites, the importance of fulfilling vows to the Lord, and the protection of a neighbor's vineyard or field from overgrazing.

Dt. 24:1-20 *General legal matters affecting various stakeholders:* These verses include: procedures in divorce cases, exemptions from going to war during the first year of marriage, prohibition against taking an upper millstone in pawn, sanction of death against kidnapping and selling an fellow Israelite, skin afflictions, rules for making loans, return of a pledge of a needy man, prohibition against abuse of a needy or destitute laborer who must be paid on the day of his work, parents not incurring capital offense on behalf of a child's crime and vis versa, prohibition against subverting the rights of the stranger or the fatherless, leaving some crops unharvested so that the needy may eat, not over gathering olives that have fallen to the ground after beating the trees so the poor may glean and find some food to fill his/her stomach.

Dt. 25:1-16 General legal matters: This is another series of short laws that, deal with a variety of topics including: prohibition against over flogging a guilty man lest he become degraded, laws of levirate marriage, prohibition against having alternate weights and measures in commercial transactions.

2.8.6 Constituents from the Blessings and Curses in Dt. 27-28

Dt. 27:16-25 *Moral and ethical offenses affecting various stakeholders:* These verses mention the following offenses: one who insults his father or mother, one who moves his fellows countryman's landmark, one who misdirects a blind person on his way, one who subverts the rights of a stranger, the fatherless and the widow, one who lies with his father's wife, one who lies with any beast, one who lies with his sister whether daughter of his father or daughter of his mother, one who lies with his mother-in-law, one who strikes down his fellow countryman in secret, one who accepts a bribe in the case of the murder of an innocent person.

2.8.7 Constituents from the Third Discourse and Supplement: Dt. 29-34

Dt. 29: 9-11: *General constituent stakeholders:* These verses mention: tribal heads, elders, officials, all the men of Israel, children, wives, even the stranger within the camp, from woodchopper to water drawer.

2.9 The Third "Invoked" Audience: The "Foreign" Presence in the Land

There exists a third "addressed" audience in Deuteronomy, which is quite important for the rhetorical strategy of the book. This third invoked audience was the "foreign" presence existing in the land. It was their cultural norms, and their religious practices that the narrator/authors present as the overriding fear and concern against which they took a stand. This third invoked audience was, rhetorically speaking, placed in opposition to the other two invoked audiences of the text that we have identified. In the Deuteronomic traditions, the foreign "nations" of the land are named three times: Dt.7:1; Jos. 3:10; 24:11. They were

the: Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites. Some of these nations are identifiable while others, like the Perizzites and Girgashites are more obscure.[258] Whether or not all these distinct nations were present in the Land at the time of the composition of Deuteronomy is open to question. However, when it comes to this third "invoked" audience and the extensive polemic directed against it, the narrator/authors are indirectly addressing these foreign populations in order to make the Judeans understand the their presence is officially unwelcome and in order to warn of the danger they pose. The presence of this third "invoked" audience was meant to resonate in the contemporaneous Judeans as a symbolic "stand-in" for the actual foreign presence in the land. Symbolically, they took on the rhetorical role of foil of the "other" for the purposes of argumentation. The mention of these traditional "nations" may then be an example of a coded literary reference which was politically circumspect given their precarious historical circumstances as a weak vassal of the Neo-Assyrians, or later in exilic times as captives of the Babylonians

2.10 Summary

In this chapter, I began by discussing the meaning of the rhetorical situation and supplemented that discussion by mentioning a number of concepts that have deepened our understanding of the dynamics of the rhetor/audience relationships and which also function rhetorically as prerequisites for argumentative discourse. I have explained that Bitzer's concept of the *rhetorical situation* conforms to the expectation of

[258] Christensen (1992: 1038 #3).

modern rhetorical theory in seeing the audience as inseparable from the discourse addressed to them. An organic bond exists between the rhetor and audience because they lived in a shared world in which both parties understand and the same situational reality. This underlying bond is fostered in a text like Deuteronomy when the narrator/authors can evoke a sense of mutual fictionalization and identification between the "invoked" and "addressed" audiences who find alignment with the ideas and goals of the rhetor. We have also seen that the how the narrator/authors address the Mosaic teachings to a wide audience of constituent stakeholders in order to achieve maximum "buy-in" from their fellow Israelites. Let us now turn to an introduction to the ideas of Chaim Perelman and Lucie Olbrechts-Tyteca through whose creation of *The New Rhetoric* we are able to gain many useful tools for conducting a rhetorical critical analysis on a text like Deuteronomy. *The New Rhetoric* will help us unravel the rhetorical structure of Deuteronomy and understand its methods and style of practical, informal reasoning and argumentation.

Chapter Three:

Perelman and Olbrechts-Tyteca's The New Rhetoric:

How their Revival and Redefinition of Rhetoric Helps Us Understand

Argumentation in Deuteronomy

Abstract

In this chapter, we will discuss the background, origins and details of *The New Rhetoric* in order to reveal its premises, scope and potential. I will explain the problems that Perelman and Olbrechts-Tyteca were trying to address in their work as seen from the perspective of the post WWII period. The major concepts of *The New Rhetoric* will be discussed and why they provide an appropriate conceptual framework for analyzing Deuteronomy. In order to accomplish this objective we will also discuss the differences between the premises of the "old" classical rhetoric of Greco-Roman times and that of the "new" rhetoric of the modern era, in order to make clear what "kind" of rhetoric is appropriate to analyze Deuteronomy. We will consider the significance of David A. Frank's proposal that The New Rhetoric represents a Jewish counter-model to the classical tradition. Further, we will discuss the details of the *Argument Schemes,* which are the core of The New Rhetoric's argumentation model in order to preview the parts of the model that may be applied in my rhetorical critical analysis of Deuteronomy.

3.1 *Preliminary Comments on the Nature of The New Rhetoric*

In the discussion below, I will review the foundational concepts of Perelman and Olbrechts-Tyteca's theory of practical argumentation introduced in 1958 as *Traite de l'argumenation: la nouvelle rhetorique*.[259] As I explain the basic features of their theory,

[259] This was translated into English in 1969 as *The New Rhetoric: A Treatise on Argumentation.*

we will gather a set of concepts and tools that will prove useful in deciphering the main premises and techniques of argumentation used by the narrator/authors of Deuteronomy. Naturally, not every aspect of Perelman's theory of practical argumentation may be applied to what we find Deuteronomy, but much of it can be. *The New Rhetoric's* perceptive insights will allow us an opportunity to describe Deuteronomy as a rhetorical and synchronic whole.[260] The utility of Perelman's theory of practical argumentation for analyzing Deuteronomy should become apparent in the course of the discussion. We might feel compelled to ask after our review whether the narrator/authors of Deuteronomy were not themselves intuitively proto-Perelmanian in their approach.

Deuteronomy is a rhetorical text whose premises reflect a concern with questions of history, cultural memory, community, social justice, and choices about value hierarchies. The narrator/authors present its rhetorical situation in a temporal setting and what it proposed exemplifies a sense of the contingent. The narrator/authors of Deuteronomy reason informally with their audiences about the past, present and future in order to arrive at a plan of action. They do not employ reasoning in order to arrive at a notion of some pre-existing knowledge or eternal truth. Rather, knowledge based upon experience is the kind of knowledge the narrator/authors try to apprehend. This characterization of Deuteronomy makes it clear why applying a strictly neo-Aristotelian model, while not impossible, would not provide the tools to perform a critical analysis that meets the needs of modern rhetorical criticism.

[260] There have been previous studies that have briefly used the concepts in *The New Rhetoric* in analyzing Deuteronomy. See in particular Katz (1986) who analyzes ancient argumentation using *The New Rhetoric* and devotes one chapter to Deuteronomy, and Lenchak (1993) whose dissertation uses to some extent the insights of *The New Rhetoric* to discuss Moses' Third Discourse in Dt. 28:69-30:20.

By contrast, *The New Rhetoric* responds to the demands of a modern rhetoric that places choices about values, the human community, the contingent temporal nature of truth and the individual at the heart of rhetorical argumentation. Deuteronomy takes place in real time, in *temps plein*, and demands a commitment from the entire audience, collectively and individually, to make correct choices, engage in a *vita activa,* in the land promised that they are going to possess. The Perelman-Olbrechts-Tyteca model—in as much as it seeks to understand how people reason about values and make choices about what is preferable, reasonable and justifiable within the context of their own particular *situation*— is a good fit for analyzing argumentation in Deuteronomy. At the foundation of the Perelman-Olbrechts-Tyteca model is the premise that all informal argumentation is of a contingent nature. This means that the validity of such arguments are not subject to formal proof, but are valid only if the audience that hears them considers them sufficient to gain adherence and become disposed to act upon what was given *presence* in their minds. The disposition to act is based on the premise that both rhetor and audience live in a "shared world" where such arguments conform to premises that resonate to their own sense of *situation* in all its temporality and to their sense of what is real and preferable.

3.2 *The Background and Origins of The New Rhetoric*

Chaim Perelman (1912-1984) was a Belgian philosopher and a professor of logic, ethics, and metaphysics at the University of Brussels. When the Nazis occupied Belgium in 1940, Perelman was removed from his academic post. During the war, Perelman became an important resistance leader in Belgium and returned to his post after the liberation in 1944. In the wake of the destruction of Europe during the war and the Holocaust, Perelman and other European thinkers began to grapple with the issue of the

failure of reason in the face of totalitarian thought. During this period, Perelman co-chaired a UNESCO committee that sought to establish the philosophical basis of the United Nation's position on human rights. What he and other philosophers concluded in the aftermath of the Second World War was that reason had been misused by totalitarians.[261] Perelman, who had been trained in the tradition of *logical positivism,*[262] came to believe that this intellectual framework could not provide insight into questions of values and justice. In Perelman's view, logical positivism and existentialism,[263] the two prevailing philosophical movements in the post-war setting were not equipped to prevent the misuse of reason as had occurred during World War II.

It was in the post-war year of 1947 that Perelman began his eleven year collaboration with Lucie Olbrechts-Tyteca. There has been much discussion about the nature of Olbrechts-Tyteca's role in the development of *The New Rhetoric* and of her collaboration with Perelman. It is said that Perelman brought to the collaboration an expertise in philosophy and logic and Olbrechts-Tyteca contributed her command of literature, literary criticism and the comic.[264]

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[261] Frank (2003: 165-167, Frank (2014: 81-85).

[262] Logical positivism and logical empiricism, which together formed neo-positivism, was a movement of Western philosophy that embraced verification, an approach that sought to legitimize philosophical discourse on the basis shared with the best examples of the empirical sciences. In this theory of knowledge, only statements verifiable either logically or empirically would be cognitively meaningful. The movement flourished in the 1920's and 1930's in several European centers.

[263] Existentialism was a chiefly 20th century philosophical movement embracing diverse doctrines but centering on analysis if individual existence in an unfathomable universe and the plight of the individual who must assume ultimate responsibility for acts of free will without any certain knowledge of what is right or wrong or good or bad.

[264] Frank, Bolduc (2010: 141-163), Warnick (1997: 68-85)

During the war years 1940-1944, Perelman had written *De la justice* which was a study of six standpoints on the subject of justice. He was, however, not satisfied with the conclusions he had reached as he was not able to discern how justice could be justified![265] Perelman studied justice from the point of view of logical empiricism and succeeded to show in his study that formal justice is a principle of action, according to which beings of one category must be treated in the same way. This became known as the "rule of justice." When he tried to apply his rule of justice to actual situations, he understood that this required making distinctions and creating categories that are relevant as to how people should be treated, and that these decisions involved judgments of value. He concluded that if justice consists in the systematic implementation of certain value judgments, it does not rest on any rational foundation.[266] His study of justice led him to conclude that the values that come under discussion are subject to varying opinions pronounced by members of society. This realization in turn led him to believe that those values did not of themselves, belong to the "world of Ideas." This line of thinking led Perelman to take a position contrary to Platonic theory, that justice cannot be related to an ontological question, as he had determined that justice has no separate existence beyond the circumstances in which it is applied or beyond the people who appraise it through confronting each other by means of thesis and antithesis. Whether matters are just or unjust, he concluded, depended on the decision of the audience which, in the process of deliberation, pronounce on them and determine whether they are just or unjust.[267] This

[265] Dearin (1984: 155-185).

[266] Perelman (1979: 9).

[267] Torsedillas (1990: 111).

position conformed to the opinion of Protagoras (490-420 BCE), the first and most famous of the Sophists who declared that "any sort of thing which seems just and admirable to any city is necessarily just and admirable for it, as long as that city agreed to it."[268]

As a consequence of his research, Perelman became interested in judgments of value, which for positivists like himself would generally have no meaning. In his search for the grounds of justice, he sought for an expression of reason that could join the *vita contemplativa* with the *vita activa*.[269] He saw that reason had been restricted to the former in the classical tradition because of Plato and he came to believe that the resultant denouncement of reason in the practical domains of morals, law and politics had in contemporary society become increasingly problematic for reasons previously mentioned. In the search for an answer to what he perceived as a crisis of reason, Perelman's research eventually led him to rediscover Cicero's rhetoric.[270] What caught

[268] Torsedillas (1990: 110).

[269] In Greco-Roman times the terms *vita contemplativa* and *vita activa* represented the opposition between two ideal forms of life: the active life and the contemplative life. The ideal of the contemplative life was essentially concerned with the pursuit, the comprehension, and the contemplation of the truth concerning the subject of himself, the order and nature of things, or divinity. Starting from such comprehension, the wise man was supposed to be able to work out the rules of action, both public and private, as based on philosophical knowledge. Prudence and reasonable action flowed directly from knowledge, on which they were based, and to which they are subordinated. The rhetor, on the other hand, educated his disciples for active life in the city; he was concerned to train serious-minded, politically oriented men, capable of effectively taking part in courtroom proceedings as well as in political deliberations; able if necessary, to exalt those ideals and aspirations that ought to inspire and orient people of action. Perelman (1979: 43).

[270] For a fuller discussion of the trajectory of Perelman's transition from logical positivist to rhetorician, see Robert D. Clark's introduction to the translation of Perelman's "*First Philosophies and Regressive Philosophies*." David A. Frank identifies this particular article, first published in French in 1949 and not translated into English until 2003, as the culmination and turning point in Perelman's thinking about rhetoric and argumentation in the post-war years. In it, he presents the main themes that he later

Perelman's attention about Cicero was his emphasis on rhetoric's role in ensuring justice. Cicero, Perelman discovered, thought that "the most important science relative to governing the city was rhetoric, that is to say, the science of speaking, for if there were not speech, there would be no city, nor would there be any establishment of justice or of human company."[271] Perelman and Olbrechts-Tyteca had found in Cicero a historical warrant to connect justice to rhetoric.

Perelman, in fact was struggling with a number of different and interrelated problems. First was his conclusion that justice and value judgments were arbitrary. Second, was the limitation of philosophical reasoning to contemplation. Third, was the failure of many to act responsibly before and during World War II. His trajectory from logical positivism to rhetoric was a result of an evolving view that many philosophers had a severely limited and truncated vision of reason.[272] In 1964, Perelman wrote about the nature of their research in its formative period by writing that he and Olbrechts-Tyteca began an investigation into the manner in which people reason when they deliberate, decide, and choose. It was necessary, they thought, so that one's actions not be arbitrary, that the decisions and the choices made were preferable for one reason or another. Hence, they sought after a logic of value judgments that they believed indispensable to a philosophy of action. Their search proved to be both in vain and fruitful—for instead of delivering a specific logic of value judgments, their analyses led to a general theory of

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developed more fully in his *Treatise on Argumentation: The New Rhetoric*. See Frank, Bolduc and Clark (2003: 177-206).

[271] Frank (2003: 555).

[272] Frank and Bolduc (2003: 180).

argumentation. Later, they connected their theory of practical argumentation with dialectical reasoning, such as what Aristotle had presented in his Rhetoric and Topics.[273] They felt it was necessary to draw up, for the sake of logicians, a philosophical defense in favor of an enlarged conception of proof and reasoning, which does not limit itself to demonstrative reasoning—those of formal logic[274]—but completes them by recourse to all the forms of argumentation used to convince and to persuade. Perelman wrote that reason is able to lead us through correct deductions, from true premises to true conclusions, but it also plays an essential role when it is a question of showing that our decisions are just, our choices reasonable, and our actions justifiable.[275] The outcome of this research made it possible for rationality to be introduced once again, into practical reasoning using the resources of non-formal logic.[276]

[273] Dialectic was the guided attempt to move to a higher understanding by engaged method of question and answer in which the soul and opinions of a single interlocutor are probed. Where rhetoric acknowledges the authority of public opinion, dialectic begins in opinion with the intent of transcending the realm of empirical experience and arriving at truths more securely grounded because they have been purified by the operation of reason. Dialectic is a form of reason based upon dialogue of arguments and counter-arguments, advocating propositions (theses) and counter-propositions (antitheses). The outcomes of such dialectic might be a refutation or a relevant proposition, or a synthesis, or a combination of the opposing assertions, or a qualitative improvement in the dialogue. Kastely (2001:221-225).

[274] Formal reasoning is reasoning where the force of the argument depends upon the logical pattern alone. Van Noorden (1978:178).

[275] Perelman (1984: 188-189).

[276] Tordesillas (1990: 111).

3.3 *Perelman's Regressive Philosophy*

Perelman and Olbrechts-Tyteca rejected the premises of "first philosophies"[277] as being inadequate to the task of coping with values and making value judgments, but did not reject "first philosophies" themselves. Their main criticism of the classical tradition was that it was not open to truths that were fluid, partial or in contradiction. From the classical tradition they traced a direct relationship to logical positivism, concluding that it was not well suited to grapple with the problems of making value judgments in the uncertainty of the modern age. Perelman sought a foothold for a new and expanded sense of reason in values and sources shared by an author and the audience by invoking Aristotle as a source of authority for valorizing rhetoric. If Aristotle, the 'father' of apodictic logic, inflated reason to include the probable and rhetoric, then Perelman's attempt to do the same thing must be justified.[278] Van Noorden writes that Aristotle dealt with arguments which pass from the general to the particular, which he called arguments from probability. He defined probability as "a reputable proposition about what people know to happen generally." Arguments from probabilities and signs are the arguments used in rhetoric. Aristotle regarded such arguments as defective syllogisms and considered them an approximation to valid, demonstrable inference. Nonetheless, they were still considered sound because they were inductive arguments based on the weight of evidence.[279]

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[277] First philosophies refer to any metaphysics that purport to determine first principles such as the fundamentals of being (ontology), of knowledge (epistemology), or of action (axiology).

[278] Frank and Bolduc (2003:184), Lawson-Tancred (2004: 74-790.

[279] Van Noorden (1979: 180)

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Perelman developed what he called "regressive philosophy" which created an antimony with "first philosophies." [280] To conceptualize an alternative to first philosophies, Perelman drew on the work of Ferdinand Gonseth[281] and from the axiology and sociology of his mentor, Eugene Dupreel.[282] Perelman felt that his rhetoric needed philosophical grounding, which Gonseth's notion of an "open philosophy" provided. Gonseth had advanced an alternative to "first philosophy" that emphasized experience in time rather than eternal knowledge as central to the philosophical enterprise. Gonseth held that theory and experience are intertwined and that reason should yield to the lessons of experience. Experience, according to Gonseth, could only be understood and theorized with dialectic, which consists of four principles (wholeness, duality, openness to revision and responsibility), which Perelman discusses in his article "*First Philosophies and Regressive Philosophy.*"[283] In this connection Frank and Bolduc wrote:

> (Regressive philosophy) provides a metaphysical foundation for rhetoric, a grounding that is not absolute but firm enough to base contingent truths. In doing so, it identifies and avoids the performance contradiction that plagues post-Enlightenment thought.[284] It establishes a third way between the absolutes of first

[280] Frank and Bolduc (2003: 177-203).

[281] Gondseth (1947).

[282] Dupreel (1948).

[283] Frank, Bolduc and Clark (2003: 185-186). This article was not translated into English until 2003.

[284] The phrase 'the performance contradiction that plagues post-Enlightenment thought' refers to a belief that radical skepticism was the only alternative to Enlightenment rationality. Perelman joined other post-war theorists in resisting the reign of disembodied Enlightenment rationality. It was Perelman's belief that radical skeptics failed to see that they had been held hostage by Enlightenment blackmail in accepting the Enlightenment's criterion for truth. Regressive philosophy provided the human community with a mode of philosophical reasoning located between the extremes of Enlightenment rationality and radical skepticism. In this space between extremes, Perelman's identified contingent truths and values dependent on a rhetorical mode of reasoning, which made moral judgments possible. Frank, Bolduc and Clark (2003: 178).

> philosophies and radical skepticism. It does so by identifying contingent truths, those strong enough to warrant temporally restricted knowledge, but open to further modification and change. Knowledge need not be timeless and eternal, nor is understanding impossible. With regressive philosophy and rhetoric, it is possible to move beyond the demands of certainty and the pitfalls of aporia[285] to arrive at contingent but reasonable judgments. Once liberated from the performance contradiction of post-Enlightenment thought, questions of values, justice and action could be judged in the light of regressive philosophy, one that sought progress, learned from mistakes and errors and improved in time.[286]

There was an important distinction to be drawn between "first philosophies" and Perelman's "regressive philosophy" for the repurposing rhetoric in the modern age. 'First philosophies' focus on eternal principles, thereby make one moment in time—generally from the past—as original, and the source of present-day principles. 'Regressive philosophy' does not privilege any one particular moment but aspires to problem solving through constant deliberation and human interaction, carried out by a society of free minds interacting with each other in the context of lived experience. The nexus of this interaction allows for those free minds to take responsibility for judgments in the field of action. [287]

3.4 *Perspectives on The New Rhetoric*

In the post war years, the interrelated crises of justice, the limitations of philosophical reasoning, and the question of responsibility were Perelman's

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[285] Aporia is an irresolvable internal contradiction or logical disjunction in a text, argument or theory.

[286] Frank, Bolduc and Clark (2003: 186).

[287] Frank, Bolduc and Clark (2003: 187).

intellectual exigencies. With those issues in mind, Perelman began his collaboration with Olbrechts-Tyteca. Over the next three decades, Perelman continued to develop his ideas in frequent publications which appeared in the period 1949-1984.[288] Perelman and Olbrechts-Tyteca's original treatise and the body of work which came afterward came to be known by scholars in the field as The New Rhetoric Project (NRP).[289] *The New Rhetoric* has been described as the most significant rhetorical theory of the twentieth century by David A. Frank who has devoted his entire career to studying Perelman.[290] Other scholars have been equally effusive about the importance of *The New Rhetoric*. [291] It seems appropriate to raise several questions at this point. First, what was it about The New Rhetoric that made it so influential in the late twentieth century? Second, how does one distinguish the "new rhetoric" from the "old rhetoric." In other words, how do their underlying premises and objectives differ? Third, how do Perelman and Olbrechts-Tyteca's ideas help us understand rhetorical argumentation in Deuteronomy. I will try to provide answers to these important questions in the following discussion of the topics associated with the theory.

Perelman and Olbrechts-Tyteca were in fact highly critical of the classical tradition that started with Plato and Aristotle, and continued with St. Augustine,

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[288] See Bibliography.

[289] See: Frank (1997, 2003); van Eemeren (1996); Karon (1976); Crosswhite (2010).

[290] Frank (2003: 163).

[291] Crosswhite (1996: 35); Leff (1994: 510); Dearin (1996: 502); Ritivoi (2008).

Duns Scotus, Descartes, Leibniz and Spinoza in the form of empiricism and logical positivism. Descartes[292] who had "taken as false everything which was only plausible" had been a major influence on Western philosophy for the past three centuries.[293] But, Perelman and Olbrechts-Tyteca also understood that the European philosophers who were their audience shared a commitment to classical thought and, as such, Aristotle, the father of modern logic, served as the *locus*[294] and starting point for their critique of classical rhetoric. While Perelman and Olbrechts-Tyteca reaffirmed the connection that classical theories of argumentation had with dialectic and rhetoric they nonetheless, sought to foster a break with that same classical tradition which had excluded these forms of thought from the realm of reason and rationality in antiquity. David Frank has noted that Perelman and

[292] Rene Descartes' (1596-1650 AD) *Meditations on First Philosophy* (1641) continues to be a standard text in most university philosophy departments. Descartes laid the foundation of 17th-century continental rationalism, later advocated by Spinoza and Leibniz, and opposed by the empiricist school of thought consisting of Hobbes, Locke, Berkeley, and Hume. For Perelman on Descartes, see Perelman (1982: 149-152).

[293] Perelman (1969: 1), Franks (2003: 170).

[294]In rhetorical discourse, *loci* are the preferences of a particular audience which are of an extremely general nature and can, without difficulty, serve as justification for statements made in argumentation addressed to that audience. According to Perelman's *New Rhetoric, loci* express preference for one abstraction verses another. Thus it may be a locus for a particular audience that the enduring is preferable to the transitory as in "A bird in the hand is worth one in the bush." This locus would then be the basis for a value hierarchy in which some sure thing is preferable to some unsure thing because surety has greater value to the audience. Loci constitute an extensive store to be drawn upon as a rich basis for values and value hierarchies. See van Eemeren (1996: 102).

Olbrechts-Tyteca shared the view that predicative logic[295] which had ruled Aristotelian and Western reason were unduly restrictive.[296] They wrote:

> Since the time of Aristotle, logic has confined its study to deduction and inductive reasoning as though any argument differing from these was due to the variety of its content and not to its form. As a result, an argument that cannot be reduced to canonical form is regarded as logically valueless. What then about reasoning from analogy? What about the *a fortorio*[297] argument? Must we, in using such arguments, always be able to introduce a fictive unexpressed major premise, so as to make them conform to the *syllogism?*[298]

What Perelman and Olbrechts-Tyteca did was to reorient Aristotle's dialectic and shift the premises of *situated reasoning* [299] from the *propositional* [300] to the

[295] First order logic—also known as first order predicate calculus and predicate logic—is a collection of formal systems used in mathematics, philosophy, linguistics, and computer science. First-order logic uses quantified variables over non-logical objects and allows the use of sentences that contain variables so that rather than propositions such as " Socrates is a man" one can have expressions in the form "there exists X such that X is Socrates and X is a man" where "there exists" is a quantifier and "X" is a variable. This distinguishes it from propositional logic which does not use quantifiers or relations.

[296] Franks (2003: 173).

[297] The term 'a fortorio' expresses a conclusion for which there is stronger evidence than a previously accepted one. It has the meaning: with greater force or more convincing force—used in drawing a conclusion that is inferred to be even more certain than another.

[298] Perelman (1979: 26-27). A syllogism is an instance of a form of reasoning in which a conclusion is drawn (whether validly or not) from two given or assumed propositions (premises), each of which shares a term with the conclusion and shares a common or middle term not present in the conclusion (e.g., all dogs are animals; all animals have four legs; therefore, all dogs have four legs).

[299] Situated reasoning refers to reasoning specific to a particular situation.

[300] Propositional reasoning refers to conclusions drawn from premises with logical connectives like "and" – "or", "if…-then…" which link elementary propositions.

axiological.[301] This shift was done for two reasons: the first was that they did not want to be bound by any metaphysical system which acceptance of Aristotle's dialectical premises would imply, and second, they wished to exploit the *topoi* of dialectical reasoning by focusing on values and the value hierarchies of the audience rather on the relationships between subjects and predicates.[302]

James Crosswhite identified two critical features to which he points, as radical rhetorical moves that justify calling Perelman and Obrechts-Tyteca's argument model *The New Rhetoric.*[303] The first was that they *retrieved the rhetorical topoi,*[304] those

[301] Axiological reasoning is the philosophical study of value. It is either a collective term for ethics and aesthetics—philosophical fields that depend crucially on notions of worth—or the foundations for these fields, and thus similar to value theory and meta-ethics. This expression was first used by Paul Lapie in 1902.

[302] Frank (2003: 173).

[303] Crosswhite (2008: 169).

[304] Aristotle distinguished between two types of topics (topoi): common and special. He defines topics as lines of reasoning useful across three rhetorical situations: deliberative, forensic, and epideictic. He listed twenty-eight common types of arguments, including opposites, correlatives, consequences, definition, parts, and cause and effect. He also describes two types of special topics. The first were categories governing specific material appropriate as evidence in each of the types of discourse. For example, his *deliberative* topics included: ways and means, peace and war, national defense, and food supply; *forensic* topics included motives, states of mind, kinds of wronged persons, and just and unjust actions; *epideictic* topics pointed to virtues such as justice, courage, temperance, and wisdom. These special topics did not supply information but rather prompted the rhetor to find it. Aristotle noted that such topics approached the fields of ethics and politics in which the content could be found. Another type of special topics were the appeals for ethos and pathos. For ethos, Aristotle proposed showing good sense, good moral character, and good will. For pathos, he offered a list of possible emotions, identifying them, discussing their causes, and indicating how they might be excited. Aristotle's conception of the purpose of the topics has been a matter of debate among historians of rhetoric. One position holds that the topics were aids to memory, a checklist or inventory of forms or argument or available premises for enthymemes to help a rhetor convince an audience of a judgment already held. In this view, the topics were warrants linking premises to already held conclusions, finding rather that creating judgments. Another view on topics holds that Aristotle's topics had an epistemic function, guiding the rhetor to new knowledge or new probable judgments, and thus giving an epistemological cast to the entire rhetoric. Lauer (1996: 724).

general forms of reasoning that had been neglected in modernity, but which they reinterpreted and reorganized into a system of argumentative techniques that provided the shared rhetorical logic of argumentation. These techniques were not necessarily truth preserving, like the formal proofs of logical systems, but were supposed to preserve adherence as the argument moved from the starting point to the claim.[305] The second was the *valorization of the audience*, of *receptivity* as a kind of rational agency— that is, *a reception theory of rationality*. As Perelman and Olbrechts-Tyteca put it: "all argumentation takes shape and develops out of a relation to an audience, and the quality of an argument is a function of the quality of the *esprits*[306] that would assent to it."[307] Their model outlined the various forms of receptivity to arguments and their most famous of these sources of receptivity was their *universal audience*.[308] This is an audience or form of receptivity of the highest quality, a paragon receptivity that possesses all the capabilities and knowledge necessary for making the most reasonable judgments about the strength of an argument. Crosswhite wrote that these two moves (toward redefining

[305] Crosswhite (2008: 175).

[306] Esprits is defined as vivacious cleverness or wit. Perelman's usage of this term makes sense if it is rendered as mind or an intellectual capacity to engage.

[307] Perelman (1969: 5).

[308] Crosswhite (1989: 158). Perelman and Olbrechts-Tyteca thought that there were several different types of audience an author may construct, and they may be more or less coincident with the actual social group with which an author is faced. The most important distinction they draw between kinds of audience is the distinction between kinds of audience is the distinction between a particular audience and a universal audience. This distinction is made in order to distinguish between argumentation which appeals only to particular groups with particular characteristics in particular places at particular times and argumentation which attempts to transcend such particularity and make its appeals more broadly.

the *topoi* and toward a *reception theory of rationality*) not only structure a new philosophy of rhetoric they also define *The New Rhetoric* as the *rhetoric of philosophy*.

In their theory practical reasoning, Perelman and Obrechts-Tyteca revived, redefined and repurposed Aristotle's techniques of classical argumentation.[309] They recognized a need for a new way to think about dialectical and rhetorical arguments that could embrace situated opinions about values and value judgments in the modern era. In fact, it was their intention to develop a philosophical system that would promote a rapproachment between dialectic (reason and logic) and rhetoric (the art of adapting arguments to audiences). [310] In the Introduction to Perelman's, *The Realm of Rhetoric,* Carroll Arnold wrote that Perelman, in effect, abandoned the traditional distinction between rhetoric and dialectic.[311] In antiquity, *dialectical reasoning*[312] was considered as running parallel with analytical reasoning but treating that which is probable instead of dealing with propositions that are necessary. Perelman and Olbrechts-Tyteca felt that the ancients had not exploited the potential of dialectics and non-formal reasoning. Perelman and Olbrechts-Tyteca observed that how "opinionable" ideas get argued will be substantially the same in either circumstance because the arguer is always seeking the adherence of some other person or persons to an undemonstrable thesis.[313] The revival of

[309] Crosswhite (2008:169-184).

[310] Frank and Bolduc (2003:177).

[311] Perelman (1982: ix-x).

[312] See: Note # 273 above.

[313] Perelman (1982: ix-x).

dialectical methods in the service of practical reasoning led Perelman and Olbrechts-Tyteca to a theory of rhetoric that places the action of the individual at the center of the rhetorical process. This process concerns choices that people make when they establish hierarchies of values that lead to social action.

3.5 *On Temporality in The New Rhetoric*

In the above discussion, I have provided a short introduction to Perelman and Olbrechts-Tyteca's work and thinking. However, there are some additional elements of their thinking that require elaboration for the sake of completeness. Perelman and Olbrechts-Tyteca's belief that argumentation is by nature something temporal further brought into focus the distinction between the demonstration of classical reasoning and purposes of argumentation— not by way of the self-evident, but by way of differences in their temporality. Perelman and Olbrechts-Tyteca thought that demonstrative argumentation is always executed in "empty time" (*temps vide*),[314] while (rhetorical) argumentation always takes place in "full time" (*temps plein*).[315] Adherence, as the object of argumentation is itself thoroughly temporal, and (rhetorical) argumentation is both within time and is also internally temporal. [316] Another scholar who has taken note of this

[314] Crosswhite (2010: 303), Bolduc and Frank (2010: 316). Perelman and Olbrechts-Tyteca expressed the view that demonstration arises from contemplation; it is situated in the instant, or at least in empty time [*temps vide*]. Arguably, it has mystical characteristics: God see all eternity; man see what god sees. He see it immediately and forever; conclusions are stablished from the beginning and once and for all.

[315] Bolduc and Frank (2010: 326). Perelman and Olbrechts-Tyteca wrote that the very nature of argumentation depends in large part on arguments that have already been developed because of conditioning of the audience that has occurred alters the meaning of arguments. But this alteration is not an entirely foreseeable modification. As it is itself situated in full time [*temps plein*], we cannot completely understand it.

[316] Crosswhite (2010: 303).

point, Robert Tindale wrote that by the reworking of principles from both philosophy and rhetoric *The New Rhetoric* necessitated a fusion that produced something quite new. Part of this reworking involved acknowledging the temporal and historical dimensions of reason and argumentation. Adherence can be understood not only in terms of intellectual assent, but also in terms of formation and dispositions. The strength of arguments can be understood only in terms of the time in which adherence waxes and wanes.[317]

Before we go any further in describing Perelman and Olbrechts-Tyteca's approach to rhetoric and argumentation, let us review some of their main ideas mentioned thus far:

(a.) The purpose of rhetorical argumentation is not, as understood in the classical sense, to persuade, but rather is a matter of gaining adherence to premises that are already accepted by an audience.

(b.) *The New Rhetoric* was interested in how people reason and argue about values and make choices when they do not employ the methods of classical logic. This process concerns contingent circumstances where choices about hierarchies of value that lead to social action.

(c.) They argued that there was no real difference between rhetoric and dialectic as they both are interested in getting a person or persons to accept theses that are not able to be demonstrated by formal logic.

(d.) They argued that the individual and the audience and not the rhetorician are at the center of the rhetorical process.

(e.) They sought an enlarged conception of proof and reasoning, which did not limit itself to demonstrative reasoning—that is formal logic—but availed itself of all the forms of argumentation used to convince and persuade.

(f.) They asserted that argumentation is temporal and takes place in "full time," meaning it is historically situated.

[317] Tindale (2010: 337-361).

(g.) They argued that adherence as the object of argumentation is itself thoroughly temporal and argumentation is both within time and also internally temporal.

(h.) They argued that adherence can be understood not only in terms of intellectual assent, but also in terms of the formation of disposition.

(i.) They were interested in the type of reasoning people use in conditions of uncertainty, and when the issues concern the motives from which they act, the goals that they seek, and the constraints, attractions, practices and outlooks that hold them together as a community.

(j.) They sought the justification of the possibility of human community in the sphere of action when this justification cannot be grounded in a reality or and objective truth.

(k.) They reoriented Aristotle's dialectic by shifting the premises of situated reasoning from the propositional to the axiological.

3.6 *The New Rhetoric: A Jewish Counter Model—Toward a Jewish Metaphysics*

It is fascinating that Perelman was explicit in acknowledging that he had been working at creating a fusion between classical and Talmudic methods of reasoning.[318] In a speech at Hebrew University in 1980, Perelman traced his intellectual trajectory from logical positivism to rhetoric and declared that:

> A robust view of logic ought to be completed by a theory of argumentation that draws from the dialectical reasoning and the rhetoric from Greco-Roman antiquity, but also with Talmudic methods of reasoning. It is to the study of this theory, and its extensions in all

[318] See Frank (2003: 163-194) which provides an excellent review of Perelman and Olbrechts-Tyteca's critique of Aristotle and the classical tradition. This critique became one of the starting points of *The New Rhetoric's* argumentation theory.

> domains that I have dedicated, for more than twenty years, the majority of my works.[319]

A tendency to make explicit reference to Judaic thought had been latent in Perelman's writing until the 1970s. A close reading of *The New Rhetoric* reveals that Perelman's interpretation of Jewish reasoning and argumentation was at this foundation.[320] It was from Judaism that Perelman drew the values of pluralism, tolerance, community, and the importance of argument, though he was not in possession of a deep understanding of the Talmud. He was, therefore, selective in his choice and deployment of Jewish thought in his writings.[321] The defining logic of *The New Rhetoric* was comparative or reasoning from analogy, which is prominent in Jewish thought and it was in that sense that Perelman's work may be seen as a Jewish counter-model to classical reasoning and argumentation. It was Perelman's thought, he wrote, that the idea of unicity of truth had disqualified rhetoric in the Western philosophical tradition from being useful in argumentation that is concerned with values. Perelman advocated that things were different in a tradition that follows a juridical[322] rather than a mathematical model. In the tradition of the Talmud, for example, it is accepted that opposed positions

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[319] Frank (2003: 166-167).

[320] Frank (2003: 167).

[321] Frank (2003: 173).

[322] Perelman thought that the model that best exemplified non-formal reasoning came from jurisprudence. The judge, he wrote, was under an obligation to decide and give reasons for his decision. Decisions that are consistent with the provisions of the law cannot be determined by the criteria of formal logic alone. The obligation to make a reasoned decision is an essential element in the constitution of juridical knowledge. See Dearin (1969: 221).

can be equally reasonable; one of them does not have to be right.[323] Perelman and Olbrechts-Tyteca brought this into relief by citing the famous clash between two schools of biblical thought, Hillel and Shammai, which, he thought, encapsulated the distinction to be made between classical and biblical thought. The arguments of both schools were viewed to be just, even as they seemed to be incompatible. The dispute between Hillel and Shammai reflects the existence of a metaphysics, epistemology, axiology and a set of assumptions about argument quite different from those of the Western philosophical tradition.[324] I have already mentioned that Perelman and Olbrechts-Tyteca believed that classical or first order philosophies used the *vita contemplativa* to achieve immutable and eternal truths, which were thought to be a perfect eternal reflection of reality. Jewish metaphysics, on the other hand, could host multiple and contrasting truths. Perelman considered that, as the Hebrew Bible was the primary source for Jewish philosophical reflection and metaphysics, it had set forth a vision of first principles unlike any he had detected in the great poems of Parmenides.[325] Further, the Hebrew Bible outlines a metaphysics that celebrates freedom, seeks justice, defies clarity, resists deductive logic

[323] Perelman (1979: 12).

[324] Frank (2003: 178).

[325] Perelman traced the impulses of the classical traditions and Western metaphysics to Parmenides. Parmenides argued for an eternal and uniform reality conforming to the demands of reason. Perelman characterized Parmenides' philosophy as an ontological monism, which had the effect of setting philosophy against rhetoric. Under the influence of Parmenides' philosophy, philosophers in the Western tradition have sought impersonal truth condemning rhetoricians for their concern with the vagaries of human opinion. Parmenides, Perelman argued, established the metaphysics of classical thought and the first philosophy of Aristotle and other Greek thinkers. It was that metaphysics that privileged the *vita contemplativa* over the *vita activa*. Perelman and Olbrechts-Tyeca saw their work as taking a 'break' from that way of thinking. Frank (2003: 170-171).

and declarative propositions, and embraces contradiction. It uses a *paratactic*[326] pattern of expression which places the elements of argumentation in association rather than in direct hierarchy as opposed to hypotactic structures which subordinate one value to another.[327] These touchstones, Frank observes, meant that Judaism reversed the order given to the *vita contemplativa*. Frank's understanding of Perelman on this issue held that the human world, like the world of God, was one of action. Jewish metaphysics and Perelman's *The New Rhetoric* was intended for the *vita activa*, a life lived in human time or in lived time.[328] While *The New Rhetoric* has been called a Jewish counter-model of philosophical reasoning that stands in contra-distinction to that of classical philosophical thought, it also sought to create a fusion of the two. Perelman drew from Jewish and Talmudic thought a view of truth, reason and logic that was meant to co-exist with demonstrative reasoning, expanding dialectic with forms of reasoning not bound to propositional logic and the syllogism. An expanded dialectic would allow for and promote plurality, dissent and "double-voicedness."[329] Perelman found in Jewish thought an embodied dialectic that developed and exploited Aristotle's notion of dialectical reasoning.[330] It is important that Perelman and Olbrechts-Tyteca fused philosophy and rhetoric with classical and Talmudic reasoning to create a model of practical reason that

[326] Paratactic expression refers to a style of using sentences together which have little or no relationship. An example of something paratactic is, "The rain drums; the banana is yellow."

[327] Frank (2003: 179).

[328] Frank (2003: 179).

[329] Perelman (1979: 62-72).

[330] Frank (1998: 117).

was concerned with how people reason about values in the real world of human communities where certitude and ultimate truths are unavailable.

3.7 *Three Key Concepts in The New Rhetoric*

There are three more key concepts in the New Rhetoric that are necessary to discuss: the *prerequisites of argumentation, the audience*, and *the creation of presence*. Each of these topics occupies an important place in Perelman and Olbrechts-Tyteca's vision of how argumentation proceeds and becomes effective.

3.7.1 The Prerequisites of Argumentation

In Perelman and Olbrechts-Tyteca's theory, there are certain conditions which must be assumed to be present in order for argumentation to proceed. Let us recall Bitzer's ideas about the underlying circumstances of the *rhetorical situation* meant that both rhetors and audiences experience *exigencies* and *constraints* and a common 'situational' frame of reference. This mutually held sense of what their reality is creates the potential for argumentation to emerge if a rhetor feels so compelled to begin a discourse. Perelman and Olbrechts-Tyteca describe this relationship as an instance of 'shared worlds' in terms of which an *esprits* exists which they both carry into argumentation and without which argumentation is not possible. What this means is that a great deal of agreement is assumed to already exists between the rhetor and the audience. Perelman thought that in adapting to an audience a speaker can choose as his points of departure only theses or premises already held by those he addresses.[331] On this point,

[331] Perelman (1982: 21-23).

Perelman was more insightful than Bitzer. In the view of *The New Rhetoric,* the rhetor and audience share as the starting points of argumentation such matters as: facts organized by theories and other systems of beliefs that are generally held in accord; values ordered in hierarchies that are held in accord only by particular groups; presumptions that are generally held in accord but not in all cases; and general forms of argument acknowledged to carry varying degrees of weight in different times and circumstances. This overall accord varies relative to special audiences and circumstances.[332] However, in *The New Rhetoric* argumentation requires certain minimal conditions to occur:

> The first condition is that there must be a meeting of the minds (*contact de esprits*) and in fact, all argumentation is a continuous and specific kind of *contact de esprits.* The meeting of the minds is made possible, and sustained, by having: a common language, a reason to argue, and so a goal that has a plausible chance of being achieved by argument; a situation or conflict about which the parties are willing to change their minds—that is, conditions in which people are receptive to arguments; rules that govern the beginning, the conduct, and the endings of arguments, including rules for turn-taking, the length of the arguments allowed, and so on; interlocutors who are willing and able to argue with one another, who respect each other enough to change their minds because of what the other says; interlocutors with knowledge of the other party sufficient and accurate enough to permit appeals to what is held in common and the use of appropriate argument forms. Further, there must be no violence or bribery or any other form of coercion. The reasons for being convinced must be discursive.[333]

[332] Crosswhite (2008: 172), Perelman (1969: 65-110).

[333] Crosswhite (2008: 171).

It was Perelman and Olbrechts-Tyteca's belief that when rhetorical exigencies press, *invention* happens. However, invention is not simply a deliberate act. *Situations* invent arguments. These worlds are not inert systems. They are active and historical. They exist in time and they change. They are not isolated from the situations through which they act and change. Invention happens when worlds move into new situations. Much of what rhetorical invention is about is watching what is happening in the particular situation—which constituents of the world are coming into question and being put to action at this time and in this place. Invention happens without any practice or teaching or theory of invention. It happens "by nature" as people used to say. Part of invention therefore requires being attuned to what is already happening, the forces already at play that are producing arguments.[334] It is important to reflect on the above requirements when considering argumentation in Deuteronomy. If we chose to look at it from this set of perspectives, we can theorize the deep connection that must have existed between the narrator/authors and the audiences that can explain the importance of the work to the Israelite community that received, preserved, and forwarded it on to the next generations even down to the present.

3.7.2 *The Audiences: Particular and Universal*

The New Rhetoric differentiates between two types of audience: a *particular* audience consisting of a particular group or person and a *universal audience* which consists of all human beings that are considered to be reasonable. Perelman and Olbrechts-Tyteca thought of the audience as an ensemble of those whom the speaker

[334] Crosswhite (2008: 173).

wishes to influence by his argumentation. However, the picture that the rhetor has in mind about the audience is a mental construct of the rhetor's own making.[335] In order for the argumentation to be effective, the picture that the rhetor has of the audience must accord as much as possible with reality. Persuasive argumentation lays claim to approval from a *particular* audience. A particular audience is the only audience that may be prompted or persuaded into action and its approval manifested in practical terms. This would mean that the rhetor is in possession of the necessary knowledge concerning whom he/she wishes to influence by his/her argumentation. Richard Long has written:

> In a phenomenological sense, argumentation achieves meaning only when the audience registers in the speaker's consciousness and vice versa. Rather than merely analyze the audience, the rhetor becomes the audience. The two merge and become one, and the union results in action. In this respect, Perelman's *The New Rhetoric* transcends audience analysis.[336]

The second type of audience in *The New Rhetoric*, the *universal audience,* represents a norm transcending all particular parties. Argumentation that lays claim to approval from universal audience is argumentation that deemed to be convincing. Sometimes a particular audience can stand for "rationality," thus fulfilling the functions of a universal.[337] Perelman and Olbrechts-Tyteca thought that whenever a philosopher or rhetor makes an appeal to reason they actually address a universal audience.

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[335] Similar in nature to the "invoked" audience discussed in chapter two.

[336] Long (1987: 107). This merging is conceptually similar to the mutual fictionalization between the rhetor and the audience we saw in the work of Ong discussed in chapter two. See Ong (1975: 9-21).

[337] van Eemeren (1996: 99-100).

Perelman objected to the way in which classical philosophers conceived of this type of audience. In the classical view, reaching the level of universality resulted from the existence of a reality or objective truth, an established fact, or the necessity and the plainness of certain theses, which every reasonable being is obliged to accept. The traditional conception therefore, rejects all rhetoric not based upon knowledge of a [pre-existing] truth.[338]

The New Rhetoric defends the thesis that every philosopher addresses himself to the universal audience *as he conceives it* even in *the absence of an objectivity,* which imposes itself on everyone.[339] Nevertheless, there was considerable confusion about what *The New Rhetoric* meant when it spoke of a universal audience. A statement issued by the Committee on the Nature of Rhetorical Invention which Perelman approvingly cites in his last published article, contains a statement that he felt had properly understood the role of the universal audience:

> Perelman's concept of a universal audience is obviously important in the search for rapport or at least operational agreement of diverse groups. However, efforts directed at finding this audience or to describing it fail to take account of the pervasive importance of invention. Rather, (a) audiences are made not given; (b) there is no a priori reason that, there may not be many universal audiences, although not in a single situation; and (c) most important, the task is not, as often assumed, to address either a particular audience or a universal audience, but in the

[338] Perelman (1984: 190).

[339] Perelman (1984: 191).

process of persuasion to adjust to and then to transform the particularities of an audience into universal dimensions.[340]

As this relates to Deuteronomy, we can observe that the majority of the corpus is an appeal to the *particular* audience of Israelites at a moment in time. Nonetheless, the topic of the universal audience will come up again in *Chapter Four-Application of The New Rhetoric to Deuteronomy* when we see that the narrator/authors of Deuteronomy make a very direct and significant appeal to a universal audience. [341]

3.7.3 The Creation of Presence:

For Perelman and Olbrechts-Tyteca, *presence* had a role of paramount importance in the conduct of argument. A disposition on the part of the audience to listen occurs when the rhetor creates presence. Perelman conceived presence as the product of style, delivery, and disposition and as a function of those persuasive strategies, which made someone perceive, conceive, discriminate and remember the objects ideas or lines of argument set forth by the rhetor.[342] Presence refers to not only the rhetor's linguistic projections of important elements into the audience's mind, but its intent is to make those elements occupy the foreground of the hearer's consciousness. Effective presentation is essential in all argumentation aiming at immediate action. Its object is to inspire the mind and give it a certain orientation, and to make certain schemes of interpretation prevail.

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[340] Perelman (1984: 192).

[341] The passages in Dt 4: 5-8 might be an example of this where the *particular* audience of the Israelites receiving the laws and rules stands in for all wise and discerning people which represents a *universal audience* of all "traditional" people who would find those laws and rules to be ideal and attractive.

[342] Perelman (1982: 35-38).

The rhetor creates presence by selecting certain elements from the audience's opinions, convictions, and commitments and by stylistically amplifying those elements, giving them a significance and conferring upon them a hierarchy of value or rank of importance.

As such, presence is a significant psychological element in effective rhetoric. *The New Rhetoric's* concept of presence is that it preserves continuity of time, invests the content of discourse with a sense of immediacy and importance and therefore plays a part in the qualification or classification of hierarchies of admitted values. [343] It is a mode of securing links between the elements of discourse, which can alter the premises significantly. Presence is a means by which reality is constructed and consequently may be a vehicle for transposing a phenomenon from the realm of the contingent to the realm of the absolute; it frees values from their equivocal status.[344] Presence in *The New Rhetoric* has five effects or characteristics:

> First, it is a felt quality in the auditor's consciousness. This quality, created by the rhetor's "verbal magic," enables him to impress upon the consciousness of his audience whatever he deems important. Second, presence fixes the audience's attention while altering its perceptions and perspectives. Third, its strongest agent is the imagination. Fourth, its purpose is to initiate action or to dispose the audience toward an action or a judgment. Fifth, it is created, chiefly, through techniques studied under the headings of style, delivery, and disposition.[345]

[343] Karon (1976: 96-111).

[344] Karon (1976: 97).

[345] Karon (1976: 96-97).

In the above discussion of *The New Rhetoric*, I have presented many of the main concepts of Perelman and Olbrechts-Tyteca's model of practical argumentation. We have just reviewed their ideas on the prerequisites for argumentation, audience and presence. Explication of these concepts is intended to provide the reader with a basic understanding of the terms we will be using when we apply *The New Rhetoric* to argumentation in Deuteronomy. Let us move on to the presentation of a summary of another key feature and the core of its model, *Argument Schemes*.

3.8 The Basics of Argument Schemes in The New Rhetoric

The *Argument Schemes*[346] lie at the core of Perelman and Olbrechts-Tyteca's theory in as much as they devoted nearly two-thirds of *The New Rhetoric* discussing them. [347] Their importance lies in the fact that they allow the rhetorical critic to categorize systematically and evaluate arguments that do not occur according the demonstrative classical model, that is, for arguments that proceed along the lines which employ informal reasoning. Their role is to increase or decrease the *presence* of certain elements of reality in the mind of the audience. Further, while the schemes themselves must have a certain *presence* for the anticipated audience, they depend upon symbols,

[346]Argumentation schemes are discursive techniques that exploit the cultural and cognitive predispositions of the audience as constructed by arguers. The schemes themselves are distinct, culturally held beliefs about the ways we form new beliefs from already accepted premises. Hence, argument schemes are themselves *loci* about arguments in that there are different ways of relating observations to claims that gain force by being recognized and accepted by an audience. It is the recognizeability of the forms themselves that give arguments their persuasive force. The persuasive power of arguments then arises from these inference forms—as well as from the recognized liaisons, hierarchies and loci of the preferable. Argument schemes are able to function persuasively because the arguer's and the audience's mutual participation in a common culture. Warnick and Kline (1992: 2-3).

[347] Warnick and Kline (1992: 1-15). Perelman and Olbrechts-Tyteca (1969: 185-508).

beliefs, and values specific to a particular culture. A key point in Perelman and Olbrecht-Tyteca's theory about the Argument Schemes was their thinking that a theory of argumentation must examine the use discursive techniques that induce the mind's adherence to theses or premises presented for assent. The success of such argumentation depends upon the idea that the premises used are ones that are already accepted by the audience and that these premises are the foundation of argument.

Arguments derive persuasive force, therefore, from recognized premises and the way rhetors connect opinions to these premises. *Argument schemes* pass acceptance from the premises to the conclusion. Argument schemes can create such links either through processes of *association*,[348] in which premises are brought together and unified in particular ways, or through processes of *dissociation*[349] where previously unified premises can also be disengaged from each other.[350] Significantly, these premises form both the foundation and the starting point of argumentation. Argument schemes are used to construct arguments from liaisons of various types: *coexistence, causal,* and *symbolic,* as well as *value hierarchies* and *loci* recognized and accepted by particular audiences, or considered to be compeling in relation to a universal audience. [351] Importantly, the NRP rejected any model of proof that was ahistorical or acultural, viewing argumentation as a

[348] See Association in 3.8.2.

[349] See Dissociation in 3.8.6

[350] Warnick and Kline (1992: 3).

[351] Liaisons represents a form or technique of argumentation that allows for the transference to the conclusion of the adherence accorded the premises. There are three types of liaisons on Perelman's theory: quasi-logical arguments, arguments which are based on the structure of reality structure of reality, and arguments which establish the structure of reality. Perelman (1982: 50-51).

culturally constituted activity.[352] Perelman and Olbrechts-Tyteca erected a theory of knowledge upon an account of how belief is generated through the strength of adherence and by the apprehension of consensus.[353]

3.8.1 The Details of the Argument Schemes

Below are the main components of Perelman-Obrechts-Tyteca's *Argument Schemes.*[354] However, in order to provide further context and clarity about the matter of *Argument Schemes*, it is important to note that there are three separate dimensions of the schemes that work together: (a) the starting point for argument, (b) the conventions governing argument practices, and (c) the mechanisms or schemes for making inferences. These three dimensions tie a conception of what the arguer believes to what the audience will accept. [355]

The starting points of argument according to the *Argument Schemes* are facts, truths, presumptions, value hierarchies, and the loci of the preferable. They are derived from premises that the rhetor anticipates the audience presumably subscribes. The conventions for conducting arguments also grow out of practices and norms mutually accepted by interlocutors who participate together in a common culture. Likewise, the inferential schemes that move that audience to accept the arguer's claims are generated

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[352] Warnick and Kline (1992: 2-3)

[353] Karon (1976: 96-111).

[354] This list below is compiled from a number of sources and focuses on the main features of the Argument Schemes. See Perelman (1982).

[355] Warnick and Kline (1992: 1-15).

through commonplaces, and structures recognized by a particular audience that shares that common culture like for example, Western society.[356] The specific organization of the argument schemes presented below is that of Warnick and Kline, and it covers the main categories and features Perelman and Olbrechts-Tyteca discuss in *The New Rhetoric*.[357]

3.8.2 *The Premises of Argumentation*:

In order for argumentation to be effective, a rhetor must adapt to his audience. The speaker or writer can choose as his points of departure only those theses accepted by those he addresses. The aim of argumentation, Perelman wrote, is not like demonstration, to prove the truth of the conclusion from the premises, but the transfer to the conclusions the *adherence* accorded the premises. To be unconcerned with the audience's adherence to the premises of the discourse is to commit the gravest error: *petitio principia* [358] or begging the question.[359] Premises come in two types:

a. *Premises that focus on the real and consist of facts, truths and presumptions*: Presumptions are not as certain as facts and truths, nevertheless, they can furnish a sufficient basis upon which to rest a reasonable conviction. We associate presumptions with what normally happens and what can be reasonably counted upon. Presumptions that are tied to common experience and to common sense

[356] Warnick and Kline (1992: 1).

[357] Warnick and Kline (1992:7), Perelman (1982).

[358] *Petitio principia* (begging the question) is an argument that fails to develop according to the nature of the audience. An argument which employs the *petitio principii*, that is, the rhetorical fallacy, uses premises not accepted by the audience.

[359] Perelman (1982: 21-23).

permit one to function reasonably, but they can be contradicted by the facts because the unexpected can never be avoided.[360]

b. *Premises that focus on the preferable and consist of values, hierarchies, and loci about the preferable*: Arguments derive support from values, as well as from hierarchies, which can be either concrete or abstract, homogeneous or heterogeneous. Many arguments begin with the assumption that humans are superior to the animals and gods to humans. Values are hierarchical, and therefore values related to humans are superior to those that belong to things. Along with concrete hierarchical values are others that are concerned with abstract values, such as the superiority of the just over the useful. An abstract principle, such as the superiority of cause over effect, can establish a hierarchy among a great number of concrete realities. Heterogeneous hierarchies relate qualitatively different values; homogeneous hierarchies are based on quantity. Preference is given to the greatest quantity of a positive value and, symmetrically, to the smallest quantity of a negative value.[361]

3.8.3 Arguments by Association

Through association the rhetor unites separate elements so that the audience may perceive a unity among them. Association schemes are divided into the quasi-logical and the real. Quasi-logical schemes bring together elements so that they appear to follow a process of formal logic, whereas real schemes bring together elements so that they seem to correspond to the nature of the very thing they represent. The real can be further divided into particulars and analogies.[362] In *The New Rhetoric*, there are three sorts of

[360] Perelman (1982: 24).

[361] Perelman (1982: 29).

[362] Long (1987: 111).

associative relations capable of being made in argumentation: quasi-logical arguments; arguments that are based on the structure of reality; and arguments that establish the structure of reality.[363]

> *Quasi-logical Arguments*:[364] This type of argument is so named because it has the appearance of formal logic (and not because it is to be regarded as somehow "less than logical"). In using quasi-logical schemes, arguers draw upon the recognized structures of formal logic to construct non-formal arguments.[365] Items (a) through (h) below are forms of quasi-logical argumentation:
>
> a. *Contradiction and Incompatibility*: The assertion, within a formal system, of a position and of its negation—that is, of a *contradiction*—makes the system incoherent and hence unusable. These types of arguments depend on the commonly held assumption that asserting "x" and "not x" simultaneously is absurd. It is necessary, then, to choose one or the other affirmation. In argumentation, one may also be faced with *incompatibilities*, where the affirmation of a rule, assertion of a thesis, or adoption of an attitude involves a conflict with either a previously affirmed thesis or rule, or with a generally accepted thesis to which, as a member of a group, one is expected to adhere. An incompatibility forces a person to choose, to indicate in a conflict which rule will be followed and which will be relinquished, but not abandoned.[366]

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[363] van Eemeren (1996: 107).

[364] Quasi-logical arguments are those types of arguments, which are best understood by way of comparison to logical, mathematical, and formal thinking. A quasi-logical argument differs from formal deduction in that it always presupposes adherence to non-formal theses, which alone allow the application of argument. Perelman (1982: 50).

[365] Warnick and Kline (1992: 2-3).

[366] Perelman (1982: 54).

b. *Identity*: A purely formal identity is self-evident, or is posited by convention, and this escapes argumentation. Identifications that arise in ordinary discourse aim sometimes for a complete identity and other times for a partial identity of the elements involved. The identification of two expressions can result from definition or analysis.[367]

c. *Definition*: In the process of defining a term, the claim to identity of the defining expression with the term to be defined constitutes an argumentative quasi-logical use of identity. There are four kinds of definitions in ordinary discourse: (1) normative definition, which prescribes the usage of a term; (2) descriptive definitions, which indicates normal usage; (3) condensed definition, which shows the essential elements of the descriptive definition; and (4) complex definition, which combines, in varying ways, elements of the preceding definitions.[368]

d. *Reciprocity*: Reciprocity arguments are based on a simple, conditional relationship between two terms. They rely upon a perceived symmetry that has a certain appeal.[369]

e. *The Rule of Justice*: A type of argument based on the idea that things in the same essential category should be treated the same way. These arguments are successful because audiences value precedent.[370]

f. *Transitivity*: Transitivity is the formal property of a relationship which allows the affirmation that if a certain relation exists between the first term and a second, between the second and a third, then the same relation exists between the first and the third. This property characterizes relations such as "equal to," "included in," and "greater than." These arguments are

[367] Perelman (1982: 60).

[368] Perelman (1982: 61-62).

[369] Perelman (1982: 67-70).

[370] Perelman (1982: 64-67).

based on the categorical syllogism and aim to cause audiences to accept theses by way of transference through a middle term.[371]

g. *Division*: These arguments proceed by making the point by enumerating the parts or features of something, and rely upon spatialized conceptions of reality and excludes overlapping, interactions and fluidity.[372]

h. *Weights Measures and Probabilities*: These are arguments of comparison. Comparison constitutes a quasi-logical argument when it does not give rise to real weighing and measuring that use a system of weights and measures. The persuasive effect of such comparisons derives from the underlying idea that the person making the comparison can, if necessary, support his judgment through a process of verification.[373]

3.8.4 *Arguments Based on the Structure of Reality*.[374] These arguments employ liaisons and relations that the arguer can assume are already recognized, and accepted by audiences. This category includes the (i) through (n) below:

i. *Liaisons of Succession*: This category includes all forms of *causal arguments* [375] wherein phenomena of the same level are connected in an explanatory relationship.[376]

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[371] Perelman (1982: 70).

[372] Perelman (1982: 72-74).

[373] Perelman (1982: 75-80).

[374] Arguments based on the structure of reality are those arguments that depend on liaisons which exist among elements of reality. Belief in the existence of such objective structures, can be conveyed to varied realities, relations of causality, or essences of which certain phenomena are only the manifestation. What is important is the existence of agreements which are not questioned and, which the speaker uses to develop his argument. Perelman (1982: 81-105)

[375] Causal arguments are one grounded in culturally held beliefs and presumptions about reality, not the least of which is that events generally must have a cause rather than being the result of random chance. Effective causal argument depends upon agreement among interlocutors about the motives and precedence of action.

[376] Perelman (1982: 81).

j. *Liaisons of Co-existence:* In this type of argument one connects terms that belong to unequal levels of reality such as the connection of an unobservable essence to its observable manifestations.[377]

k. *Symbolic Liaisons*: In this type of argument recognized symbols reshape an audience's perception. These are characterized by a relationship of participation between a symbol and what the symbol evokes.[378] Symbolic liasons often function as recognized metonymies.[379]

l. *Double Hierarchies*: Audiences regularly use undisputed hierarchies to weigh or grade values and to resolve conflicts between values. This type of argument employs accepted value hierarchies to get other hierarchies accepted. The use of loci of quantity (indicating that the existence of certain unquestioned hierarchies are present) is what makes double hierarchy arguments possible.[380]

m. *Differences of Degree*: One asserts the general *loci of quality and quantity* (or degree) when one asserts that what is good for the greatest number is preferable to what profits only a few; that the durable is preferable to the fragile, or that something useful in varied situations is preferable to something that is of use in highly specific ones.[381]

n. *Differences of Order*: The general *loci of order* affirms the superiority of the anterior over the posterior, of cause over consequence, and the existent over the non-existent. It affirms the superiority of what is simply possible over what is not possible; of essence, which accords superiority to

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[377] Perelman (1982: 89).

[378] Perelman (1982: 101).

[379] Metonymy is the substitution of the name of an attribute or adjunct for that of the thing meant, for example, suit for business executive, or the track for horseracing.

[380] Perelman (1982: 102).

[381] Perelman (1983: 103).

individuals who best represent the essence of genius; and of the person, implying the superiority of what is tied to the dignity and autonomy of the person.[382]

3.8.5 *Arguments which Establish the Structure of Reality*:[383] This type of argument seeks to call upon existing audience predisposition to create new audience perceptions. These arguments generally employ a concrete instance, relationship or linguistic form to establish a more abstract or general principle. The category includes items (o) throught (r) below:

o. *Example*: An example seeks to establish a new principle by resort to the particular case. Use of example implies disagreement over a principle while assuming that generalization is possible. To make way for the principle, the example must be factual and striking.[384]

p. *Illustration*: These arguments resemble examples in form but their function is different. Instead of establishing a principle, they increase *presence* by clarifying it or showing its import. Since the principle is already established, the illustrations may be fictive—so long as they engage the imagination, for vivacity is the source of its appeal.[385]

q. *Model and Anti-Model*: This type of argument presents a person or group as a model to be imitated or avoided. Attraction for the model (antipathy for the anti-model) is converted into favorable or orientation toward the

[382] Perelman (1982: 103-104).

[383] Arguments which establish the structure of reality are those kinds of arguments which, starting from a known specific case, allow the establishment of a precedent, model, or general rule, and enable reasoning by model or example. In this category are arguments by analogy and arguments by the use of metaphor. (Perelman (1982: 51).

[384] Perelman (1982: 106).

[385] Perelman (1982: 108).

model's behavior. The argument's aim is to encourage imitation or to incite to an action inspired by a particular behavior.[386]

r. <u>*Analogy and Metaphor*</u>: These bring together two structures—a better known structure (the *phoros*) and one that is lessor known (the *theme*). Analogical arguments succeed to the extent that the arguer can focus audience attention on those features of the theme that are considered most important. Analogies facilitate the development and extension of thought; they make it possible to give the theme a structure and a conceptual setting. Metaphoric arguments consecrate the relation between theme and phoros. The two are no longer separate but are fused.[387]

3.8.6 Arguments by the Dissociation of Ideas

Perelman believed that association and dissociation of ideas characterize all argumentation schemes. [388] Dissociation modifies a notion's conceptual structure by disengaging incompatible notions that had originally been unified. Dissociation begins by assuming the original unity of elements comprised within a single conception, but then sets a criterion by using the valued term of a hierarchized pair to produce a value reorientation. Through dissociation, a rhetor separates a whole into individual elements

[386] Perelman (1982: 110).

[387] Perelman (1982: 114-126).

[388] An argument of dissociation aims to separate elements which language or recognized tradition have previously tied together. In an argument that seeks to resolve a difficulty raised by common thought, it is required to *dissociate* the elements of reality from each other and bring about a new organization. By dissociating among elements described in the same way, the real from the apparent, movement is made in the direction of elaborating a philosophical reality which is opposed to the reality of common sense. Perelman (1982: 126-137).

so that the thought of the audience concerning it can be modified. Dissociation, therefore, aims at re-formulation of notions held by an audience.[389]

We have now finished our review of the main features of Perelman and Olbrechts-Tyteca's *The New Rhetoric*. Let us move on to the application of the *Argument Schemes* and see how we may apply a number of their ideas to Deuteronomy to unravel its premises, rhetorical structure and style of argumentation.

[389] Long (1987: 11), Jasinski (2001:175:182).

Chapter Four

Application of *The New Rhetoric* to Deuteronomy

Abstract:

In preparation for the application of *The New Rhetoric* to the text of Deuteronomy, we will first orient ourselves by a review the basic classifications of rhetoric that are found in the corpus. We will identify Deuteronomy's numerous direct and indirect voices, its narrative style, and how the narrator/authors created the authority for themselves to carry out their existential rescue operation for the Israelite people. After we discuss these points, we will begin to apply the appropriate concepts from *The New Rhetoric's Argument Schemes* in order to identify the three main *premise*s that comprise the rhetorical structure for the entire text. The three rhetorical premises of Deuteronomy use an existing structure of reality and by clever exploitation of an intersection between *situation* and cultural memory establish a new structure of reality that the Israelites must embrace and to which they must choose to adhere. Among the features of *The New Rhetoric* that we will examine are how the narrator/authors created *presence* through the use of visual imagery, argued by *example, illustration* and by the use of *models* and *anti-models.* The chapter will demonstrate how *The New Rhetoric* may usefully describe the entire rhetorical structure of the work as well as its methods of persuasion.

4.1 *The Basic Classifications of Rhetoric Found in Deuteronomy: Primary and Secondary Rhetoric*

As we begin the task of applying aspects of *The New Rhetoric's* model to the text of Deuteronomy, let us first take a moment to define and classify the types of rhetoric we find in the corpus. The idea of *primary* rhetoric comes from classical Greece. [390] It derives from the idea of rhetoric as the art of persuasion, and as being primarily an oral

[390] Kennedy (1999: 2-3).

transaction that involved an utterance on a specific occasion in some civic context. It subsequently became associated with texts as well. The text of Deuteronomy is a series of discourses combined with law giving which takes place on a specific occasion and place. Those characteristics define it as an example of primary rhetoric. By contrast, in secondary rhetoric, the speech act is not of central importance. That role is taken over by the (voice of the) text. Secondary rhetoric contributes to accomplishing the purposes of the speaker or writer, indirectly and at a secondary level. It provides ways of emphasizing ideas or making them vivid. An example of secondary rhetoric in the parlance of Perelman's model would be the creation of *presence*.[391] Examples of secondary rhetoric in written works are commonplaces[392] and figures of speech.[393] A few other examples of techniques of secondary rhetoric in Deuteronomy are: identification, value hierarchies, and models. In Deuteronomy, both primary and secondary rhetoric combine for the rhetorical purpose of crafting arguments based upon premises already accepted and familiar to the various audiences we have described.

[391] See Chapter three 3.6.3 above.

[392] From the time of Aristotle, commonplaces (*topoi* or *loci communes*) had been bound to the construction of cogent argument and the gathering of material to develop composition. They comprised the most effective ways of arguing from beliefs or judgments that an audience generally accepted as true. Commonplace formulas included arguments drawn from definition, genus, species, enumeration of parts, etymology, conjugates, similarity, difference, contraries, adjusts, contradictions, cause, effect and comparison. Moss (2001: 119-124).

[393] Figures of speech are the smallest structural units of rhetorical stylistics. Common forms of figures of speech are metaphor, metonymy, irony, hyperbole, chiasmus, assonance, euphemism, antithesis, and alliteration, catachresis, synecdoche, allegory and periphrasis. Plett (2001:309-314).

4.2 *The Presence of Classical Typologies*

For rhetorical typology, we can refer to the categories of rhetorical discourse developed in classical times. Aristotle defined three types of rhetoric*: deliberative, epideictic* and *judicial.* [394] These categories, while admittedly providing limited information about the content, strategy or internal structure the rhetorical discourse they describe, are still useful in their own way. We can easily apply at least two of them to the rhetoric found in Deuteronomy: *deliberative* and *epideictic* rhetoric.

Deliberative Rhetoric: Deliberative rhetoric was a device, sometimes called legislative oratory, that juxtaposes potential future outcomes to communicate support or opposition for a given policy or action or policy. [395] The clearly stated premise and purpose of Deuteronomy is to persuade the Israelites to agree to adhere to Moses' laws when they enter the promise land. Deuteronomy's call for action in the future involves their immediate self-interests, and collective well-being. Deuteronomy engages in *deliberative rhetoric* throughout the corpus when the narrator/authors have Moses addressing all Israel about taking actions in the future. For example, in Dt. 4:9 Moses tells the Israelites to " take utmost care and watch themselves scrupulously, so that they

[394] Aristotle (2007: 47-50), (On Rhetoric Book 1, Chapter 3: 1358b-1359a).

[395] A rhetoric is deliberative when a rhetor seeks to persuade the audience to take some action in the future. In deliberative rhetoric, the argument is about the question of self-interest and future benefits, often in the very immediate future. In deliberative rhetoric, there is often a preponderance of inductive argument based on past example, along with the explication of the advantages obtained from some course of action. (An inductive argument is one in which the premises are viewed as supplying strong evidence for the truth of the conclusion. The truth of the conclusion of an inductive argument is probable, and based upon the evidence given). In deliberative rhetoric, the audience is often directly involved in the matter, so the rhetor needs to do less to interest them than he might do to secure a favorable judgment for himself or some other person or course of action, as a result of past known events. Hart and Dillard (2001: 209-217).

do not forget the things they saw with their own eyes and so that they do not fade from their mind as long as they live and the make all those things known to their children and to their children's children." This is deliberative discourse or reasoning from example. The events that Moses is asking them to remember serve as examples of what God did for them and as reasons for taking certain actions in the future. In another example in Dt. 4:15-20, the narrator/authors have Moses adjure the Israelites: "for their own sake, to be most careful not to make any sculptured images of any kind since they saw no shape when God spoke to them at Horeb." The narrator/authors identify making sculptured images with being disloyalty to the lord. The Israelite audience already has witnessed examples of how God punishes disloyalty and this predisposes their action (or inaction) in the future. This is also arguing by example.

Epideictic Rhetoric:[396] Deuteronomy engages in *epideictic rhetoric* when, for example, the narrator/authors places Moses and in the role of speech maker delivering a historical review to the assembled Israelites in Deuteronomy Chapters 1-3. In those chapters the audience is rhetorically situated in present time, while Moses reviews what had happened up until that moment. Then, in Dt. 4:1-8 Moses asks the Israelites to give heed to and observe the laws, rules and instructions so that they may live to enter the promise land. This call is for an action in present time. In Dt. 5:1, Moses exhorts the Israelites to study and observe the laws and rules faithfully that he proclaimed to them

[396] Epideictic is a type of discourse that occurs when a rhetor seeks to persuade an audience to hold or reaffirm some point of view in the present, as when he celebrates or denounces some person or quality. The argument, in this case, involves a change in attitude or deepening of values such as the honorable or the good or matters of faith and belief. Epideictic rhetoric includes: speeches, eulogies, descriptions, exhortations, ceremonies, and histories. Too (2001:251-257)

"this day." Perelman thought that epideictic genre was the heart of rhetoric as he conceived of it because upon it depends all argumentation over values.[397] He further wrote:

> In effect, the goal of the orator in the epideictic discourse is to contribute the enhancement of values. This holds true whether they are abstract, such as liberty or justice, or concrete values such as Athens, or soldiers fallen in combat. When one is pronouncing such a discourse, let us say by being an educator of his community, one must already possess a certain quality, exercise a function, possess a prestige, which allows the orator to speak in solemn circumstances and to support what he is praising (or teaching) by the authority, which he enjoys. Whereas, it is self-evident that the parties in judiciary debates, whoever they are, can always make themselves understood. It is normal in deliberation that, every point of view be expressed. In the case of epideictic discourse, which exalt the commonly held values of the audience, the quality of he who will be, so to speak, the *porte-parole* of the community is essential. His role will be to exalt publicly the values around which the community is formed and through which it communes. Without common devotion to such values, there is no political or religious community.[398]

Perelman and Olbrecht-Tyteca's concept of epideictic rhetoric differed from that of Aristotle who saw it as a genre designed to celebrate and entertain but not to provoke action. In their reconceptualization, epideictic discourse became the grounding for discourse in a pluralistic culture.[399] As they came to understand it, they saw it as a

[397] Perelman (1984: 130).

[398] Perelman (1984: 131).

[399] Perelman (1978: 62-72).

category of rhetoric that drew on preexisting community values and commitments to inspire the audience to do something.[400]

Judicial Rhetoric:[401] In Deuteronomy generally, and surprisingly in Deuteronomy's Law Code in Dt. 12-26 in particular, we do not find judicial rhetoric. Judicial rhetoric, as a category, concerns forensics and courtroom argumentation where an orator is trying to persuade an audience about a matter in the past that involves truth or justice. Deuteronomy does not engage in this type of argumentation. For example, Dt. 17:2-13 is replete with rules of judicial procedure which include: the requirement to gather evidence to assess guilt, the number of witness needed for conviction in a capital case, the authority of the courts to decide and the requirement to obey the legal rulings of a magistrate or Levitical priest. There are other examples in Deuteronomy of a similar nature.[402] On the surface there seems to be a contradiction in that *The New Rhetoric's* model follows a juridical model and one might suppose that these two terms, that is, juridical deliberation and judicial rhetoric are terms that are somehow related.[403] This not

[400] Perelman (1969: 51-54), Frank (2014: 86).

[401] Judicial (forensic) discourse is a type of discourse occurs when a rhetor seeks to persuade an audience about events which occurred in the past, and where the basic argument involves the question of truth or justice. Morrow (2001:314-321)

[402] Dt. 16:18-20 calls for the appointment of magistrates and officials who will govern with due justice and who are required to judge fairly and impartially and not to take bribes. The Israelites are adjured to pursue justice that they may thrive and occupy the land. First mentioned in Dt. 4:41, Dt. 19:1-10 reiterates the establishment of three cities of refuge in the case of involuntary manslaughter, so as to avoid blood guilt which would obtain from the shedding of innocent blood. Dt. 19:11-12 differentiates the case of a premediated murderer who may not avail himself of a city of refuge and must be handed over to the blood avenger. Dt. 19:15-21 reiterates the requirement for more than one and at least two witnesses to convict a person and establishes the principle of how to disallow false testimony and the jeopardy that the false accuser faces.

[403] See footnote #322 in chapter three.

the case, even though the meta-subject matter is similar. Perelman's juridical model refers to the obligation that a judge is under to give reasons for his decision that are consistent with the provisions of law. These reasons cannot be determined by formal logic alone but must be based on some form of informal reasoning.[404]

4.3 *Narrative in Deuteronomy*

Another important rhetorical feature of Deuteronomy is its prophetic narrative form. Prophetic narrative, as conveyed by the narrator/authors, provides the overall literary, structural and framing context of Deuteronomy. It is a core feature of the corpus and is most salient in accounting for its rhetorical impact. Narrators can come in many forms in the Hebrew Bible. They can be omniscient taking the stance of knowing everything, they can be intrusive by adding comments and explanations, they can operate from a remote perspective, they can watch from above and hover over the characters, or they can be neutral, objective observers. The narrator's point of view provides a unity beyond questions of events, places and time.[405] In Deuteronomy, the narrator/authors function in a role somewhere between being omniscient and a being intrusive. Their presence is felt at key moments in the storyline as an organizing force and as storyteller. For example, in Dt. 1:1-5, the narrator/authors set the stage for the entire narrative and in Dt. 34:1-12 they bring the story to its end, thereby providing framing elements for the whole corpus. In other cases, we have seen that they move the narrative back and forth

[404] Perelman (1963: 98-108).

[405] Bar-Efrat (2008: 13-16).

between the present and the past for the sake of engaging the audience and creating mutual fictionalization.[406]

David Gunn and Danna Nolan Fewell have written that there are two types of narrative texts found in the Hebrew Bible. The first type is the *dialogic* form of narration. Ruth and Jonah are good examples of this first type. This type of narration may entertain several ideological points of view and contain different "voices" that are often in tension. It is characterized by restraint on the part of the narrator, who lets the character's actions and dialogue 'show' rather than 'tell' the story. The second form of narrative is *monologic*. This form has more in common with the rhetoric of public persuasion such as political speech or sermon. It is represented by Chronicles, Ezra, and Nehemiah. It tends to elicit a narrower range of responses from the reader, minimizes tension and ideological plurality and is characterized by a premium on "telling" through extend monologues from both narrator and characters.[407] By the above criteria, Deuteronomy contains characteristics of both dialogic and monologic narrative. Deuteronomy's narrative form, therefore, is not entirely a clear-cut matter. We can say it is not clear-cut for reasons that have to do with extent and types of dialogue that appear in the text.

4.3.1 *Matters of Style: Utterances within Utterances*

Utterances quoting utterances within utterances typify Deuteronomy's narrative discourse. Robert Polzin wrote about this unique aspect of Deuteronomy's style:

[406] See Chapter two section 2.6 above.

[407] Gunn and Fewell (1980: 6-7).

> The book is more than just utterances within the narrator's utterances: Moses utterances continually quote, with direct discourse, other utterances, as for example throughout chapters 2 and 3, which are, mostly quotations within a quote. Here, Moses is quoted by the narrator as quoting a number of others. Each of these cases can be described as, an utterance (of the person quoted by Moses) with an utterance (of Moses) within an utterance (of the narrator).[408]

The narrator/authors waste no time in establishing their method of discourse. It opens with the voice of the narrator/authors speaking to the Israelites. Moses' First Discourse, Dt. 1:1-4:43, is a good example of the above description of its narrative style. In the introductory passages, Dt. 1:1-5, the narrator/authors speaks to the invoked audience of Israelites. They set the stage in time and space for the utterances of Moses, which are to follow. Then in Dt. 1-6a, Moses directly addresses the Israelites but immediately switches in Dt. 1:6b-8 to quoting what God said to the Israelites at Horeb. Then in Dt. 1:9-13, Moses again quotes himself speaking to the Israelites. In Dt. 1:14, Moses quotes the Israelite's brief response to him and then begins to quote himself again through Dt. 1:22a. In Dt. 1:22b, Moses quotes the Israelites addressing him but in Dt. 1:23-27a, Moses again begins to quote himself. In Dt. 1:27b-28, Moses again quotes the Israelites addressing him. In Dt. 1:29-34 Moses quotes himself. But in Dt. 1:35-36 Moses quotes God. Dt. 1:37a quotes Moses speaking to the Israelites and Dt. 1:37b-40 Moses quotes God speaking to Moses. Dt. 1: 41a has Moses quoting the Israelites addressing him in Dt. 1:41b. In Dt. 1:42 Moses quotes God who asks Moses to warn the Israelites. Following God's request, Moses quotes himself addressing the Israelites in Dt. 1:43-45 which closes the chapter.

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[408] Polzin (1980: 25).

In these passages, the narrator/authors introduce the main voices that appear throughout the text. We have the narrator addressing the audience, Moses addressing the Israelites, the Israelites addressing Moses, Moses addressing God, and God addressing Moses. However, they are mostly quotations of utterances, with little direct dialogue with each other except as already noted. In most cases, Moses speaks alone and does not engage in dialogue. With a few exceptions, there is minimal amount of direct dialogue in Deuteronomy that does not involve both Moses and God.[409] This pattern, with an emphasis on Moses' historical recitation, continues in the next two chapters. Thereafter, Moses' direct speech and admonitions to follow the laws, rules, ordinances and teachings dominate the narrative throughout the corpus.

4.3.2 *Direct and Indirect Voices*

In Deuteronomy, there are four voices: three direct [410] and one indirect. [411] The two main direct voices are God and Moses with the voice of Moses being the predominant speech actor. The voice of God engaging in direct dialogue with Moses occurs in only forty-one verses.[412] Mostly, however, the dialogue between God and Moses is God addressing Moses. Moses and God engage in dialogue with each other in

[409] Dt. 27:1-8, Moses and the elders speak in a direct dialogue, and 27:9-10, Moses and the Levitical priests are quoted in direct discourse.

[410] Direct speech repeats or quotes the exact words spoken. Direct speech reports what is said in the present or what was said in the past. For further analysis, see S. Meier (1992).

[411] Indirect speech is reported speech and is commonly used to talk about the past. Reporting verbs like to say, to tell or to ask are used.

[412] Dt. 1:35, 37-40, 42; 2:2-7, 9, 13a, 17-19, 24-25; 3:2; 5:23-27; 9:12-14; 10: 10-11; 31:14a, 16-21; 32: 48-51.(41)

thirteen verses.[413] The indirect voice, and arguably the most important one, is that of the narrator/authors who are in monologue with the audience, speaking directly to them in fifty-six verses.[414] The fourth voice, a minor direct one is that of the Israelites of various descriptions who are in infrequent dialogue with Moses in twenty-two verses.[415] This direct two-way dialogue between Moses and the Israelites is important, but does not serve to dominate the narrative. Moses' dialogue with the Israelites is mostly a monologue of instruction.

The main clusters of narrator/author utterances appear at the beginning of the corpus and at its conclusion thereby providing a framework for Deuteronomy's program, and an explanation that identifies the source of the Levitical priestly authority to mediate it. If we take a closer look at what the narrator/authors' indirect voice actually reports, we can see that their speech conforms to two types of utterances: reports of what Moses said and geographical references of where he said what he said. These utterances appear in two primary clusters in the text.[416] In the first cluster are the narrator/authors' utterances that either report what Moses said and provide clear geographic orientation as to the location, or add historical recollection about the importance of those locations in the past.[417] In the case of Dt. 10: 6-9, the narrator/authors provide information on the

[413] Dt. 3:23-28; 9:18-20, 25-29; 10:1-2, 10-11. (13)

[414] Polzin (1980: 29); Dt.1:1-5; 2:10-12, 20-23; 3:9, 11, 13b-14; 4:41-49; 5:1a; 10:6-7, 9; 27:1a, 9a, 11; 28:69; 29:1a; 31:1, 7a, 9-10a, 14a, 14c, 15, 16a, 22-23a, 24-25, 30; 32:44-45, 48; 33:1; 34:1-4a, 5-12. (56)

[415] Dt. 1:9-14, 16-17, 19b-21, 22, 25b, 27-33, 41; 5:21-22; 27:9-10; 31:7-8. (22)

[416] In chapters Dt. 1-5 and 10 and in chapters 27-34.

[417] Dt. 1:2-5; 2:10-12, 20-23; 3:9, 11:13b-14.

location of Aaron's death, and parenthetically, how the tribe of Levi was set apart at that time to stand in attendance before the Lord for all time. This important principle is particularly significant in that it is reported before the delivery of the law code in chapters 12-16, and offers an anchor for their authority to play the role of mediator of Deuteronomy's message. The framing utterances of time, place and recollection provide important reference points. In the second cluster of indirect speech, in most instances the narrator/authors report what Moses said or did and/or what Moses and other leaders said together. These leaders were either the elders, Levitical priests or Joshua. [418]

The largest concentration of this type of reported speech appears in Chapter thirty-one.[419] Chapter thirty-one, however, is the critical set of narrator/authors utterances which further reinforce how it is that they are in the position to play the important role that they do in the current story. Chapter thirty-one completes the circle by explaining the source of their authority. For example, in Dt. 31: 7-8, Moses begins to transfer his political authority to Joshua to lead the conquest. In Dt. 31: 9-13, by contrast, Moses transfers his religious authority to the priests, the sons of Levi and to all the elders along with instructions on how to proceed in the future. In Dt. 31: 24-25, Moses, having finished writing down the words of the Teachings to the very end, charges the priests, sons of Levi to take possession of his book of Teaching and place it beside the Ark for safekeeping—with a warning that he knows the Israelites will stray once he is dead. Moses does this so that his teachings may stand as a witness against the Israelites when they act wickedly and engage in apostasy in the future. Thus, no one in the future would

[418] Dt. 27:1a, 9a, 11; 29:1a.

[419] Dt. 31:1, 7a, 9-10a, 14a, 14c, 15, 16a, 22-23a, 24-25, 30.

be able to claim that the Israelites had not been clearly warned. Dt. 31:29, in fact, anticipates that Moses fully expected that they would stray. Structurally then, Dt. 31 explains how the narrator/authors received the authority in the present day to convey the authoritative words of Moses and God.

4.3.3 *Establishing Authority: The Rhetorical Impact of the Indirect Voice*

What then is the rhetorical import of the indirect voice in narrative structure for understanding argumentation in Deuteronomy? What messages are the narrator/authors conveying to the "addressed" audience when they finally recall to them that their authority had been passed down through the Levites and elders in an unbroken chain of possession from Moses at the time of the conquest? The narrator/authors having established that they were the gatekeepers, conveying to the "addressed" audience of contemporary Israelites that it was only through their mediation that they can gain access to the words of God. This raises the question as to where the *ultimate semantic authority* lays in Deuteronomy. Does it lay in the word of Moses and God, or the word of the narrator/authors who were mostly likely Levitical priests? By this question, we are addressing a prerequisite of the rhetor/audience relationship, which precedes matters of mutual fictionalization as a rhetorical priority. The narrator/authors having claimed the authority to convey the words of God and Moses based upon an unbroken chain of possession actually control what words of Moses and God the audience will hear. Thus while the words of God and Moses are intended as the ultimate sematic authority in Deuteronomy, the report of these words by the narrator/authors must be taken by the audience as both definitive and authoritative as well.

4.4 *Points of Departure for Argumentation: "Shared Worlds" at the Intersection of Situation and Cultural Memory*

Deuteronomy was composed by an authorial group or succession of groups under the exigencies and constraints of a rhetorical situation particular to the time and place of its creation. In our previous discussion, we established how the narrator/authors received their authority to be mediators of Moses' and God's words.[420] With that authority established in the mind of their audiences, the question became: upon what type of premises can they proceed to make their arguments? *The New Rhetoric's* Argument Schemes allows for two main types of premises in argumentation: (a) *premises that focus on the real and consists of facts, truths and presumptions* and (b) *premises that consist of values, hierarchies and loci about the preferable*.[421] A distinction needs to be made, however, between a prerequisite structural premise such as we have just reviewed above, which relies on a transference of an existing prophetic authority to a third party, and a rhetorical premise which becomes the starting point of argumentation. Perelman and Olbrechts-Tyteca's research led them to believe that the basis of premise (a) above was the presumption by narrator/authors and audience that they were in substantial agreement about a host of important matters, particularly the exigencies and constraints and reality of the *rhetorical situation*. [422] Put another way, there existed a common bond of understanding between them and a meeting of the minds that was the substance of their

[420] See: 2.2 above.

[421] See Argument Schemes 3.8.1 under the Premises of Argumentation (a) and (b).

[422] Perelman (1982: 21-32).

existing structure of reality or shared world.[423] These shared cultural "truths," cultural memory, agreement about the rhetorical situation, and their meeting of the minds is what Perelman means by "facts" upon which conviction and argument can reasonably be based. Thus, according to *The New Rhetoric*, arguments that start from such premises are arguments for the purpose of affecting the will of the individual to adhere to certain ideas. The rhetor gives presence to such ideas with the intent of prompting a willingness to act. This means that the narrator/authors were at liberty to recreate, reshape and reform an existing "shared world" of cultural concepts, concerns and memories into a course of action that was previously unanticipated by the audience.

We can observe that the narrator/authors of Deuteronomy intuitively seem to grasp an approach analogous to *The New Rhetoric's* premises of argumentation we discussed above after asserting their authority. Taking an existing *structure of reality* as a starting point, the conditions already existed under which they could argue what they wanted to argue to the "addressed" audience. They relied upon a host of cultural traditions and collective memory which placed them in a position to address the exigencies and constraints of their *rhetorical situation* in the way that they did and for the purposes they had in mind.

4.4.1 *Narrator/Authors' Presumptions: Reliance on Collective Memory*

As we further examine the role of the narrator/authors and relate it to *The New Rhetoric's* first type of premise above, we can make a few observations. Initially, the presumptions of the narrator/authors remain unstated, but they become readily apparent

[423] See 3.8.3 Footnote # 373.

in the flow of the narrative. For example, among their main presumptions is the idea that their "addressed" audience is fully familiar with the entire range of Moses stories, their own long history, and their history with God. Further, they hold those memories in high esteem and personally identify with them. The strength of their arguments may be said to rest upon appeal to cultural or collective memory. Jan Assmann has written that it is the task of collective memory, above all, to transmit collective identity. He writes:

> Society inscribes itself in this [collective] memory with all its norms and values and creates in the individual the authority that Freud called the superego and that has traditionally, been called "conscience." [Collective memories] are not built up gradually, as with communicative memory, and they do not disappear again with the cycle of three generations. Sometimes they vanish after twelve years, sometimes they endure for thousands of years. It is a projection on the part of the collective, that wishes to remember and of the individual who remembers in order to belong. Both the collective and the individual turn to the archive of cultural traditions, the arsenal of symbolic forms, the "imaginary" of myths and images of "great stories," sagas and legends, scenes and constellations that live, or can be reactivated in the treasure store of a people.[424]

What Assmann calls collective memory, *The New Rhetoric* refers to as shared worlds. Assmann makes the further point that cultural memory and tradition are closely intertwined. Tradition, he wrote, is not exchanged reciprocally and horizontally, but is transmitted vertically through generations. Its temporal structure forms a diachronic axis through which societies reach far back into the past.[425] Thus, for the narrator/author to draw upon cultural memory, as Assmann has conceptualized it, tends to create

[424] Assmann (2006: 7-8). Assmann writes as an Egyptologist. For a treatment by a Biblicist, see Mark S. Smith (2004).

[425] Assmann (2006: 8).

identification with their commitments. It is identification lodged in Assmann's diachronic axis of collective memory that creates the disposition in the audience to "hear" the words of these authorities as they share the same mental world and historical status. It is upon conditions such as these that an audience becomes willing to act. The establishment of narrative/authorial authority based upon cultural memory creates a shift in the temporal perceptions of the "addressed" audience. This shift opens up a new mental space in which the narrator/authors are free to argue about what is to come. We have seen above how the narrator/authors have to employ an argument that relied on an *existing structure of reality* to accomplish their initial purpose of tying together authorial authority with cultural memory. It was upon the acceptance by the audience of these ideas that argumentation is able proceed in Deuteronomy.

4.4.2 *A Possible Historical Warrant for Israel's Collective Memory*

On this matter of collective memory and the Exodus tradition upon which so much of Deuteronomy depends, Ronald Hendel has attempted to put this question into historical perspective. Hendel has made the plausible case that the centrality of the Exodus in biblical tradition has roots in the experience of slavery that the residents of Canaan experienced when they were a province of the Egyptian Empire in Asia. This was the case, particularly in the period from Thutmose III (1479-1425 BCE) through the reign Ramesses IV (1154-1148 BCE). In that period Egypt had effective administrative control of the trade routes through Canaan and appropriated resources through tribute and taxation, which included: wood, precious metals and copper, gemstones, glass, foodstuffs, and also people. Slaves were demanded as tribute from the rulers of Canaanite city-states who presumably rounded them up, Hendel thinks, from the local population or

from captured towns. Slaves were also acquired as prisoners of war during Egypt's military campaigns during this era. The Egyptian term for such a foreign captive was "bound for life." Canaanites were taken into slavery in Egypt by means of vassal tribute, military conquest, mass-deportations and sold for purely financial reasons. The Egyptian temple of Amun owned 56 towns in Canaan and the temple of Re owned 103 towns. All of the above known historical referents help Hendel to argue that, over a long period-of-time, the residents of Canaan experienced oppression and slavery at the hands of the Egyptians. Perhaps, he suggests, it is for this reason that Pharaohs themselves remain unnamed in the Pentateuch. The Pharaoh's identity in the Pentateuch, Hendel says, may function as a strategic feature of the tradition, providing a moveable boundary of inclusion for those who shared this memory. [426]

In *The New Rhetoric's* conception, it is from a set of such facts, truths and presumptions based in a shared cultural/historical memory that a particular *structure of reality* obtains which creates the mutual identification that foregrounds effective argumentation which leads to adherence and action. This short digression is by way of making the point that the narrator/authors of Deuteronomy did not just make up a story of Israel's origins when they sat down to write Deuteronomy or any other part of the Pentateuch. There were actual cultural memories about such matters that the narrator/authors appealed to and which the audience ascribed to as a kind of 'truth' about their self-identity. Add to the forgoing a conscious awareness of their current rhetorical situation, that is also a shared mental aspect of reality, and we have an intersection of memory and situation that provided fertile ground for a meeting of the minds. Absent

[426] Hendel (2001: 604-608). See also Smith (2002: 631-651), Blenkinsopp (1997: 76-82).

this shared cultural knowledge of facts and truths and presumptions, meeting of the minds, and arguments which became based on them would have lacked any semblance of comprehensibility or context, and would therefore not have been able achieve their intended purpose of adherence.

4.5 *Deuteronomy Chapter Four as the Heart of Deuteronomy's Rhetorical Vision: Three Premises Hiding in Plain Sight*

In reviewing the first three chapters of Deuteronomy, we see that Moses recalls events of Israel's history, both good and bad, to the "invoked" audience who are in the final stages of their forty years of wilderness wanderings and beginning the conquest of the land at the behest of God. His words encompass, both explicitly and referentially, the entire sweep of Israel's history with God and the many important events in Israel's life as a people. The emphasis is, however, on the present moment and what is to come. The narrator/authors, in their introductory framing dialogue, appeal to both cultural memory and geographical referencing.[427] By these appeals to space, time and memory, they establish themselves as the mediators of all that is reported about God and Moses and sets the stage for all that is to be required in the future.[428] Deuteronomy Chapter Four, however, is the pivotal moment in the narrative that presents Deuteronomy's three main *rhetorical premises.* The narrator/authors begin to reveal the rhetorical design of the work by reconfiguring the historical and cultural references found in the first three chapters into main premises of argumentation. In doing so, they set up the structure for entire

[427] Dt. 1:1-7, 19-20; 2:1-3, 8, 13, 18, 24, 26, 32, 36; 3:1, 4-5, 8-10, 12-18.

[428] Dt. 1:1-5.

corpus and make known what is at stake in the corpus. I have identified what I believe are Deuteronomy's three main rhetorical premises which are stated below. *The New Rhetoric's* model of practical argumentation can readily be used to describe these premises, and the entire corpus is able to be encompassed by them. They are:

> (1) *Israel's has a unique and univocal relationship with Yahweh in which He has shown steadfast loyalty to Israel and now demands loyalty and faithfulness in return.*
>
> (2) *The unconditional promise of the land given to the fathers is now made conditional. Continued possession of the land is contingent upon faithfully following God's and Moses' laws, rules, ordinances and teachings and not engaging in any form of disloyalty or apostasy, as these are now made matters of life and death.*
>
> (3) *The statutes, judgments and, teachings that God revealed to Moses and that Moses revealed to Israel are just. It is, therefore, a display of the utmost of wisdom and discernment to follow them and many blessings will accrue for doing so*.

These three main rhetorical premises become the starting points of argumentations, and are repeated, reinforced and reiterated, throughout the text. The arguments in Deuteronomy flow directly from them. It seems ironic, though, in seeking to discover the rhetorical design of Deuteronomy that one should need to look any further than certain passages that the narrator/authors pose as rhetorical questions![429] In a way, it

[429] A rhetorical question implies that the audience itself knows the answer. In fact, a rhetorical question is a way of implying that the audience will be fully cognizant of its implications. A speaker or writer may identify this with the audience by implying that the audience will obviously agree. Rhetorical questions have the form of a question but are not designed to elicit information. The intent, therefore, is not to ask for a response but to make an emphatic declaration. A rhetorical question can be a persuasive device because the speaker implies more than the words as such and expect no response. The hearer is impressed by the thought processes that would logically lead to the kind of answer the speaker intends the hearer to reach.

seem as though these premises have been hiding in plain sight all along. What has been missing is a way to understand these premises as the starting points of argumentation. It is a matter of literary interest that the narrator/authors pose premises one and three using rhetorical questions while premise two is, in a manner, a derivative of the first rhetorical premise but is distinctly a main premise. Notwithstanding, these three premises, which are also conclusions stemming from the narrative review, are also the foundation upon which the narrator/authors will craft arguments that seek to create a new structure of reality for Israelite life going forward. These ideas need unpacking and clarification. Let us now examine the first rhetorical premise.

4.5.1 The First Rhetorical Premise

> *1) Israel has a unique and univocal relationship with Yahweh in which He has shown steadfast loyalty to Israel and now demands loyalty and faithfulness in return.*

Drawing upon *The New Rhetoric's Argument Schemes*,[430] we can see that that there are two types of *arguments by association*[431] that apply here and form the basis of the first rhetorical premise. The first type is the *argument based on the structure of reality.* This type of argument is based on a premise that focuses *on the real and consists of facts, truths and presumptions tied to common experience and common sense that the arguer can assume are already recognized and accepted by the audience.* The second

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The hearer is forced to frame the expected answer in his mind and thus agree with the speaker. Rhetorical questions are thus likely to be found in contexts where rhetoric desires to accomplish persuasion, for instance in monologues. de Regt (1996: 52),

[430] See 3.8 above.

[431] See 3.8 above.

type of argument technique which applies here is the *liaison of succession.*[432] In this type of argument, *the rhetor unites separate elements so that the audience may perceive a unity among them.* The *liaison of succession* is a form of causal argument wherein phenomena of the same level which are collected in an explanatory relationship. Deuteronomy contains eight, distinct elements of the *liaison of succession* that that are based upon the *structure of reality* which demonstrate *Israel's univocal relationship with Yahweh*. They are:

(a) Israel as God's Chosen People [433]

(b) The Covenant with Abraham and the Promise of the Land [434]

(c) The Sojourn in Egypt [435]

(d) The Exodus from Egypt [436]

(e) The Theophany at Horeb and the Giving of the Ten Commandments [437]

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[432] See 3.8(i).

[433] Israel as God's Chosen People: Dt. 1:9-11; 4:20; 7:6-8a; 9:26-29; 10:15; 14:1a, 2; 26:18-19b; 27:9b; 28:9b; 29:12a; 32:1-14 (29).

[434] Covenant with Abraham-The Promise of the Land is first made in numerous Genesis passages: 12:1-3, 7; 13:14-17; 15:1-21; 17:1-21; 22:15-18; 26:2-5; 28: 13-15. Deuteronomy mentions the subject in the following passages: Dt. 1:8b, 20-21, 34; 2:31; 4:1, 14, 21-22, 37-38; 6:10-11, 18b, 23b; 7:8b, 12b; 8:1b, 7-10, 18b; 9:5b, 23, 27-29; 17: 2a; 19:8, 14, 21a; 26:9, 15; 27:2-4; 29:12; 30:5, 20b; 31:7b-8, 20-21, 23b; 32:52. (40)

[435] The Sojourn in Egypt: Dt. 1:30; 8:2-6, 15; 10:19, 22; 11:2-7, 10; 15:15a; 16:12; 23:8b; 24:18, 22; 26:5-7; 28:60; 29:12b, 15a.(25)

[436] The Exodus from Egypt: Dt. 1:27, 29; 4:37, 45-46; 5:6; 6:12, 21b-23a; 7:8c, 18b-19a; 8:14; 11:2-7; 13:11b; 16:1; 20:1; 25:17-19; 26:5b-9; 29:1b-3, 15, 24.(30)

[437] The Theophany at Horeb and the Giving of the Ten Commandments: Dt. 1:6; 4:10-15; 5:2-5, 19-28; 9:8-16a, 17-21, 23-29; 10:1-5, 8-11; 18:11.(53)

(f) The Wilderness Wanderings [438]

(g) The Beginnings of the Conquest [439]

(h) Moses' Expounding God's Laws, Rules, Ordinances and Teachings for Life in the Land [440]

This sequence of eight elements which establish the univocal principle are based on Israel's historical, cultural and spiritual *structure of reality,* and are presented as a *liaison of succession.*[441] I have identified three hundred and twenty-three verses associated with this premise which are detailed in footnotes 432-440. They establish the *univocal principle* in Deuteronomy because all eight elements are phenomena on the same existential level of reality as components of Israel's self-awareness or identity. God has directed the storyline and movement of events and they are thus linked in a relationship of association with each other and then sequentially by succession. Moreover, these eight elements of Israel's history with God form the deeply rooted intertextual basis of the entire narrative flow of the Pentateuch. They are a liaison of succession because without (a) there would be no reason for (b), without the events in

[438] The Wilderness Wanderings: Dt. 1:19-28, 31-33, 35-45; 2:1-9, 13-19; 6:16; 8:2-5, 15-16, 22-24; 9:7, 22-24; 19:1; 24:9; 29:4-5, 15b.(60)

[439] The Beginnings of the Conquest: Dt. 1:7-8a; 1:29-30; 2:24-37; 3:1-8, 15-22, 23-29; 4:41-43; 6:19; 7:1-2a, 17-24; 9:1-6; 11:8b-12, 29-31; 12:29; 20:15-17; 26:1; 27:2-8, 11-14; 29:6-7; 31:2-6, 7b, 23.[(91) (323)].

[440] Expounding the laws, rules, ordinances and teachings: See note #464-466 below.

[441] Warnick and Kline (1992:8). In *The New Rhetoric*, liaisons of succession are one of the arguments based on the structure of reality. They include all forms of casual argument wherein phenomena of the same level are connected in an explanatory relationship. They are so-named because they employ liaisons and relations the arguer can assume are already recognized as accepted by an audience. This category includes liaisons of succession, liaisons of co-existence, and symbolic liaisons.

(b), there would be no cause for (c), without (c), there would be no reason (d), without (d), there is no context for (e), without (e) there is no warrant for (f), without (f) there is no precedent for (g) without (g), (h) would lack context and authority. Each element is essential and uniquely important to the story and taken together they contribute to the conclusion drawn by the first rhetorical premise, that Israel has a unique and univocal relationship with Yahweh. For the narrator/authors, they become starting point of an argument which valorizes Israel's unique relationship with Yahweh. A sense of future obligation toward Yahweh is given *presence* in the mind of the audience through constant repetition, whether it is to the "invoked" or "addressed" audience. God had done something unique in showing his steadfast loyalty to Israel in elements (a) throught (g) and now God asks for the same loyalty and steadfastness in return. A critical insight of this analysis is the observation that seven of the eight thematic elements which form the basis of the first rhetorical premise are referential. Being referential means that the seven of the eight themes do not originate in Deuteronomy.[442] Moreover, in reviewing the instances of these seven literary elements of *Israel's univocal relationship with Yahweh* highlighted above, it becomes apparent that, by the frequency of their repetition, and by their distribution throughout the corpus, that they are thoroughly integrated rhetorically and thematically into the narrative of Deuteronomy. What we have in Deuteronomy represents a deeply embedded stream of tradition that the narrator/authors of Deuteronomy could draw upon, highlight and reinforce for rhetorical purposes because they were well-known traditions that the audience accepted. This suggests that, rather

[442] All except element (h).

than seeing Deuteronomy as primarily organized by its three discourses, its law code and its supplements,[443] one may also correctly view it as being organized thematically, in as much as the eight elements of this first rhetorical premise run across all internal boundaries in the corpus as footnotes # 432-440 demonstrate. Therefore, we can observe that in addition to Deuteronomy's more well-recognized literary arrangement, it has a thematically driven internal rhetorical structure which underpins the arguments that are advanced. Their frequent repetition by the narrators/authors are a rhetorical devise designed to achieve a top of mind *presence* that is intended to create a mental disposition to take action based upon what will be presented in the remainder of the text. The elements of this univocal relationship reflect the spiritual *structure of reality* by which the Israelite nation assembled its unique identity, its sense of self-knowing and its historical orientation.

A series of four rhetorical questions and three declarative statements from chapter four combine to establish the first rhetorical premise:

> 4:7a: For what great nation is there that has a god so close at hand as is the Lord our God whenever we call upon Him?
>
> 4:20: but you the Lord took and brought out of Egypt, that iron blast furnace, to be His very own people, as is now the case.
>
> 4:32: You have but to inquire about bygone ages that came before you, ever since God created man on earth, from one end of heaven to the other: has anything as grand as this ever happened, or has its like ever been known?

[443] See: Note #2, Introduction

4:33: Has any people heard the voice of a god speaking out of a fire, as you have, and survived?

4:34: Or has any god ventured to go and take for himself one nation from the midst of another by prodigious acts, by signs and portents, by war, by a mighty and an outstretched are and awesome power, as the Lord your God did for you in Egypt before your very eyes?

4:35: It has been clearly demonstrated to you that the Lord alone is God; there is none beside Him.

4:36: From the heavens He let you hear His voice to discipline you; on earth He let you see His great fire and from amidst of the fire you heard His voice.

4.5.2 On Being Rhetorically Incontrovertible

These questions and statements come at the conclusion of Moses' recitation of all the historical events reviewed in Deuteronomy's first three chapters. The answers to the four rhetorical questions are contextually self-evident: only us, no, no, and, no.[444] The answers to the declarative statements are: You did, it has, and, You did! Clearly, the narrator/authors are describing and recalling this unique relationship as the questions and statements themselves embody all that God had done for Israel from the beginning. The questions and statements are put by the narrator/authors in a manner that make them rhetorically incontrovertible based on the storyline. The questions are posed in a manner and at a juncture in the text where we may say that Israel's spiritual *structure of reality* and cultural identity are bound up in them. For those in the narrative who are now

[444] Rhetorical questions are meant to effectively catch the audience's attention with something they already know and then compare this to something with which they are presumably unaware. By appealing to common sense, rhetorical questions become more emphatic than mere declarative statements. They trap the audience into accepting a presupposed answer, invariably a definite and simple "yes" or "no". Allen (2008: 438).

listening to Moses, the four rhetorical questions and the three declarative statements—which are in effect conclusions as well—appear to be so self-evidently based on what has occurred and with which the audience is intimately familiar that they become rhetorically undeniable. The premise that Israel has a univocal relationship with Yahweh, is the only conclusion that a reasonable member of the audience could reach because it is a shared "fact and a truth."

As a way of reinforcing the validity of this premise, Deuteronomy has thirteen verses that point out that members of the "invoked" audience were indeed eyewitnesses to the events surrounding the Exodus, the theophany at Horeb and, the wilderness wanderings.[445] There is no better witness than an eyewitness and the frequent repetition of this idea adds a heightened sense of *presence* and credibility. This then conveys the impression that these historical recollections are "true" as they rhetorically incontrovertible. Therefore, it was both the acceptance of the elements of the first premise by the audience, as common knowledge, together with the eyewitnesses that were available and present that allows the narrator/authors to take the next rhetorical step. The next step, after reminding the Israelites about all that Yahweh had done for them, was to keep reminding them and then up the ante. Rhetorically, the intention was to imbue a sense of obligation to commit themselves to reciprocate God's steadfast loyalty because of all that God had done for them. The next step comes later in the second rhetorical premise.

[445] Dt. 1:30-31; 3:21; 4:3, 9, 34; 5:21; 6:22; 7:18; 10:21; 11:7; 29:1b. 16. (13)

4.5.3 The Special Role of Element (h) of the First Rhetorical Premise:

In 4.5.1 above, we discussed the eight unique elements which work to establish the univocal principle in Deuteronomy. We highlighted elements (a) through (g) and hinted that element (h) has a special role to play. While element (h) of the first rhetorical premise (Moses expounding God's laws, rules, ordinances and teachings for life in the promised land) may be comfortably placed with in the *argument by association and liaison of succession* which establish the univocal principle*,* it actually serves a triple purpose. First, element (h) is part of what is unique about Israel's relationship with God, as only they received the revelation upon which Moses expounds. The act of Moses expounding on the law thus creates a temporal shift in the story line, which looks to the future and prepares the argumentative foreground. [446] The second role that element (h) plays is to form a rhetorical bridge over which the Israelites can carry the burden of reciprocity established in the first rhetorical premise. We will see, in examining the rhetorical effect of the second rhetorical premise, that we may add the burden of existential uncertainty that the modification of the unconditional possession of the land element (b) creates to the baggage the Israelites must carry into the future. In this light, element (h) may be seen as the vehicle the Israelites must mount in order to be transported to a place of relative safely.

[446] Dt. 1:5.

4.5.4 *The Second Rhetorical Premise*

A shift begins in the second rhetorical premise based in part on the sense of obligation created in mind of the audience by the first rhetorical premise. This sense of obligation now stands squarely as a *presence* in the discursive proceedings. The second rhetorical premise makes the continued possession of the land a conditional matter, and especially highlights the issue of apostasy in all its forms as the most deadly of sins, which would negate God's promise. Thus, the terms of the relationship become more well-defined. In *The New Rhetoric's* model, this works to create a *new structure of reality* for the Israelite audience and the narrator/authors now shift to a different argumentative premise which is a *premise based upon the preferable, and consisting of values and hierarchies and loci about what is preferable*.[447] The narrator/authors having anchored their authority to mediate the words of God and Moses in the stream of tradition going back to Moses, and having established the univocal principle in the first rhetorical premise, now effectively puts the question in the second rhetorical premise as: Do you want to continue to enjoy God's protection? A simple 'yes' or 'no' answer would have been anticipated. The Israelites are given little incentive to resist, though they might wish to, and according to Dt. 31 they are in fact predicted to resist and go astray by committing apostasy even after all the warnings against such behavior as Dt. 31:16-21 indicates. Let us now review the second rhetorical premise in more detail.

> *(2) The unconditional promise of the land to the fathers is now conditional. Continued possession of the Land is contingent upon faithfully following Moses'*

[447] See 3.8.2(b).

laws, rules, ordinances and Teachings and not engaging in any form of disloyalty to God especially apostasy, as it is a matter of life and death.

The status of the unconditional promise of the land made by the Abrahamic covenant Gen. 12:1-7 undergoes in major revision by the narrator/authors of Deuteronomy. We have seen in chapter two, how potent the issues connected to apostasy had become in the contemporary *rhetorical situation* of the narrator/authors. The evidence for this is their detailed description of all its many iterations, aspects and forms.[448] If this were not the case, they would not have wasted so much time going into such explicit detail. As a topic, this change is one that was a relatively new to the audience of Deuteronomy in the importance given to it by the narrator/authors. This shift is central to Deuteronomy's argument and has a history of its own.[449] In light of what Zulink has written about this line of argumentation, it is very significant that it was taken up by the narrator/authors, beginning in the critical Chapter four, and made a central pivot of the corpus. Previously, we can find the only other set of passages in the Pentateuch that link following the law with possession of the land in Leviticus.[450]

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[448] See 2.3 Categories of Apostasy.

[449] Margaret D. Zulink (1992:192) has identified the source of this obligation of loyalty as stemming from the different responses to the events in Samaria and Judah at the end of the eighth century BCE. She writes that there were two, contradictory lines of argumentation that co-existed in post-Samaritan Judah of the 7th-6th centuries BCE. Judahite theology stressed the tradition of the divine guarantee to David, the invulnerability of Zion and the inviolability of YHWH's temple in Jerusalem. The reprieve against the Assyrians armies was the triumphant proof of this theology. The first recensions of Amos and Hosea, salvaged from the ruined North, on the other hand, interpreted Samaria's destruction as a sign of YHWH's wrath and as a warning to Judah. Alongside the belief in the divinely insured security of Jerusalem, there flourished a polemic that regarded Israel's covenant with YHWH as contingent upon a certain standard of loyalty. In as much as the doctrine of the inviolability of Jerusalem and the promise to David is nowhere found in Deuteronomy, and the equating of loyalty to YHWH with continued possession of the land being of central importance in Deuteronomy, we can conclude that the narrator/authors were of this latter belief.

[450] Lev 20:22-26 specifically links faithfully observing all the laws of the land with expulsion and makes a direct connection in Lev. 20: 3 between following the laws and not following the ways of the nations which

Scholars have noted a parallel between Leviticus 26:3-45 and Deuteronomy 28 because of its similarity to the blessing and curses in that chapter of Deuteronomy.[451] Leviticus 20:22-26 creates the link between losing possession of the land for not following the laws and for engaging in the practices of the nations, meaning engaging in apostasy. Thus, while the topic comes up in Leviticus, the threat of expulsion for apostasy is thematically not a major topic in the Pentateuch prior to Deuteronomy. The narrator/authors of Deuteronomy, however, take the matter much farther than do the authors of Leviticus and go out of their way to connect the loss of possession of the land with the broad topic of apostasy. Whether or not the narrator/authors knew of the Levitical passages which for the first time equivocated on the matter of the promise of the land, is a matter of debate. My suspicion is that they were aware of them but I will not argue the point. What becomes unequivocal in Deuteronomy, however, is that engaging in apostasy and expulsion from the land becomes inextricably linked. We may conclude from the above that, while not following the laws, rules and teachings was a first order offense against God worthy of punishment, curses, starvation, and expulsion, engaging in apostasy was considered a one-way ticket to national destruction and exile.

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the Lord abhors; Lev. 26:33 mentions being scattered among the nations for being disobedient and hostile to the Lord. These verses come in the middle of a series of blessing and curses.

[451] Milgrom (2000: 2272-2365). The theme of Lev. 26 is keeping the Sabbaths and the commandments and failing to do so will lead to exile. Lev. 26:1 specifically mentions not making idols and carved images or pillars and thus the chapter includes apostasy referentially. The other passages in Leviticus that touch on this subject of exile are Lev 20:22-23 which states that the consequences for not following the laws and rules are that the land will "spit you out," Lev 25:18-19 which connects living securely in the land with faithfully following the laws and rules, and Lev. 26:27-33 which states that disobedience will lead to desolation and exile.

In light of the comments above, the emphasis on this issue represents a new element in the religious life of Israel and is a critical rhetorical turning point. It added an extra layer of contingency and uncertainty to an already ambiguous and tentative rhetorical situation. In creating a heightened sense of *presence* around the issues of disloyalty and apostasy, the narrator/authors sought to alter the audience's perception of the changed nature of their relationship with God by emphasizing and requiring personal responsibility and commitment to behave in a particular and proscribed manner. These verses work to create a *new structure of reality* which began and ended in the heart (*lēb*) of the individual Israelite and that would redefine the religious practices they may safely embrace in the future. According to Deuteronomy, since what God has done for Israel has come from God's heart, He appeals to the heart of the individual Israelite for this recognition and commitment. The necessity for this change reflects the compelling *exigency* behind the *rhetorical situation* which now demanded heart centered action.

I pointed out in chapter one 1.8 above, and from the passages that we have reviewed here, that the narrator/authors engage many parts of the human being in the persuasive act, including sight, hearing and particularly the heart (*lēb*). It bears repeating that in Deuteronomy, matters of the heart are particularly important. In Dt. 7:7 Moses reminds the Israelites that the Lord "set his heart upon you and chose you." In Dt. 8:2 Moses reminds the Israelites that the Lord made them travel in the wilderness for forty years "to learn what was in your hearts." In Dt. 4:29 Moses advises the Israelites that in times of future troubles they need only "seek the Him with all your heart and all your being." In what is probably the single most foundational and repeated set of verses from Deuteronomy, the Shema, Dt. 6:4-6 Moses tells the Israelites:

Dt. 6:4: Hear, O Israel! The Lord our God, the Lord is one.

Dt. 6:5: You shall love the Lord your God with all your heart and all your being and all your might.

Dt. 6:6: Take to heart these instructions with which I charge you this day.

The narrator/authors mention matters of the heart eighteen times. [452] The Lord had reached out from his heart when He chose the Israelites, and thus asks the Israelites to open their hearts to the Lord and to love Him wholeheartedly. The narrator/authors understood that in their language and culture that the heart was the place where the persuasive act occurred and where the commitment to action was made. In Hebrew, the word for "heart" (*lēb*) is the seat of one's inner-self, inclinations, disposition, will, intention, reason, and the conscience.[453] After working to create *presence* around the issues they wished to highlight through sight, sound and appeal to cultural memory, in the end, after compelling and reasoned arguments for keeping the Mosaic laws, they appealed to the heart to close the deal.

In developing the second rhetorical premise, the narrator/authors treat the topic of possession of the land as it relates to apostasy in three different ways. The first way is to specify all the various behaviors that they identify as apostasy and their negative opinions about them. The narrator/authors mention this in ninety-eight verses. [454] The second way

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[452] Dt. 4:29; 6:5-6; 7:7; 8:2, 14; 10:12, 16; 11:13, 18; 18:13; 26:16; 29:18; 30:1-2, 6, 10, 14; 32:46. (18)

[453] HALOT (514).

[454] These citations are taken from chapter two, footnotes #189-195, (a) Dt. 4:28; 5:9; 7:4, 16b; 8:19; 11:16, 28b; 13:2-3, 7a, 8, 14a; 17:2-4; 18:20; 28:14, 64; 29:16-17a; 30:17; 31:18, 20, 29; 32:17, 21a, 37-38. (b) Dt. 4:16-19, 23, 25b, 28; 5:8; 9:12b, 16b; 27:15; 29:24-25. (c) Dt. 6:14; 7:3-4a; 8:20; 12:29-31a; 13:7-8; 18:9; 20:15-18; 29:15. (d) Dt. 7:5, 16, 25a; 12:2-4a; 16:21-22; 20:15-17. (e) Dt. 12:31b; 13:2-4a, 6; 14:1b; 18:10-14. (f) Dt. 4:19; 5:8; 17:3. (g) Dt. 4:25; 7:25-26; 9:12, 15; 12:31; 17:4-5; 29:16; 32:16-17, 21a. (93)

the narrator/authors treat this subject is to make explicit threat of expulsion for engaging in apostasy. The narrator/authors mention this result in seventeen verses.[455] The third way is to attach a long list of negative consequences that follow if the Israelites are unfaithful to the Lord and stray from the path by turning to other gods and are disloyal to the lord. There are one hundred twelve verses which mention dire consequences for unfaithfulness.[456] Thus, there are two hundred twenty verses, footnotes 453-455, that are associated with the second rhetorical premise.

There are four groups of passages in Deuteronomy chapter four that bring up the subject of apostasy, linking it to death and expulsion from the land in three of the four groups. Collectively, these become the modifiers of the unconditional promise of the land, which define the second rhetorical premise.[457] Let us examine them.

Group One:

4:3: You saw with your own eyes what the Lord did in the matter of Baal-peor, that the Lord your God wiped out from among you every person who followed Baal-peor;

4:4: while you, who held fast to the Lord your God, are all alive today.

Group Two:

4:15: For your own sake, therefore, be most careful—since you saw no shape when the Lord your God spoke to you out of the fire—

[455] Dt. 4:24a, 26-27; 6:15; 7:4b, 10, 26; 8:19b-20; 9:13-14; 13:15b-18a; 17:4-5; 28:15; 29:26-27; 30:18, 31:21.(17)

[456] Dt. 11:17, 28a; 13:6, 9b-11a, 12; 17:4-5; 18:20; 27:16-26; 28:16-68; 29:17b-24; 30:18-19; 31:16-18a, 27-29; 32:18-20, 21b-43. (112)

[457] Dt. 4:3-5, 15-19, 23-24, 25b-28.

4:16: not to act wickedly and make for yourselves a sculptured image in any likeness whatever, the form of man or woman,

4:17: the form of any beast on earth, the form of any winged bird that flies in the sky,

4:18: the form of anything that creeps on the ground, the form of any fish that is in the waters below the earth.

4:19: And when you look up at the sky and behold the sun and the moon and the stars, and the whole heavenly host, you must not be lured into bowing down to them. These the Lord allotted to other peoples everywhere under heaven.

Group Three:

4:23: Take care, then, not to forget the covenant that the Lord your God concluded with you, and not to make for yourselves a sculptured image in any likeness, against which the Lord has enjoined you.

4:24: For the Lord your God is a consuming fire and impassioned God.[458]

Group Four:

4:25 When you have begotten children and children's children are long established in the land, should you act wickedly and make for yourselves a sculptured image in any likeness causing the Lord your God displeasure and vexation,

[458] Dt. 6:14-15 covers the same ground as Group Three but refers to an "impassioned God's anger that will blaze forth and will wipe Israel off the face of the earth." This was a matter of rhetorical emphasis. However, the phrase 'an impassioned God'- *ʾēl qannāʾ* is a complex topic that has often been reduced to emotional concepts of jealousy. For a detailed study of the social fabric of the phrase, see Erin Guinn-Villareal, "Biblical Hebrew *Qinʾâ* and the Maintenance of Social Integrity in Ancient Israelite Literature" JHU Dissertation 2018.

4:26: I call upon heaven and earth this day to witness against you that you shall soon perish from the land that you are crossing the Jordan to possess; you shall not long endure in it, but shall be utterly wiped-out.

4:27: The Lord will scatter you among the peoples, and only a scant few of you shall be left among the nations to which the Lord will drive you.

4:28: There you will serve man made gods of wood and stone that cannot see or hear or eat or smell.

To reiterate, the narrator/authors develop an argument in the second rhetorical premise that is set up by the first rhetorical premise. Simply stated, in the future God will to continue to honor the promise made to the fathers in the covenant with Abraham only if the Israelites faithfully obey the laws and rules. Dt. 7:12 states it clearly:

Dt. 7:12: And if you do obey these rules and observe them carefully, the Lord your God will maintain faithfully for you the covenant that He made on oath with your fathers.

If Israel violates the covenant, acts disloyally and/or engages in the many forms of apostasy that the narrator/authors enumerate, the Lord will exact heavy penalties, which includes death, destruction, all manner of misfortune, disease and calamity, including expulsion from the land.

I have already discussed the real questions on the mind of the narrator/authors about Israel's willingness and its ability to be loyal to Yahweh and follow His ways. The narrator/authors put the issue of apostasy front and center in the narrative as it was one of the central concerns, if not the main issue on their mind. The narrator/authors of Deuteronomy appear to think that without serious sanctions the Israelites might not be

expected to comply in the long term. Apostasy was a potent issue for the narrator/authors of Deuteronomy because of recent traumatic historical events that placed Israel's future existence as a distinct people in jeopardy. There were critical exigencies about which the narrator/authors felt compelled to respond, and making possession of the land conditional was one of their most potent responses. By this rhetorical move, the narrator/authors shift responsibility for future possession of the land squarely unto the shoulders of the individual Israelite. The explicit verbal threats in the second rhetorical premise appear to have been insufficient to warn off the Israelites from bad behavior. The narrator/authors felt it necessary to include two hundred and twenty verses that graphically lay out in no uncertain terms the dire consequences of not being faithful to the Lord by engaging in disloyalty and apostasy. Yet the third rhetorical premise, which we will now examine, provides the Israelites with a rhetorical bridge which offered a solution that, while providing some hope for the future, did not make their situation any less contingent.

4.5.5 *The Third Rhetorical Premise*

As we begin to discuss the third rhetorical premise, let us review where our discussion has taken us thus far. We have seen how the narrator/authors have used the unique elements of Israel's history with God to establish the univocal principle which they develop into the first rhetorical premise. The narrator/authors draw upon an existing structure of reality to accomplish a particular argumentative stance toward the audience. We have also seen how they changed the terms under which future possession of the land may proceed unabated in order to alter audience perception about the nature of their relationship with God. The promise, given freely to the fathers, now must be earned and re-earned in every succeeding generation to remain valid. The rhetorical shift which

occurs in the second rhetorical premise, therefore, introduces a profoundly important change to one of the foundational elements of the univocal principle by presenting a new structure of reality as a fact-of-life going forward. Here the narrator/authors have introduced something new that will forever constrain the Israelites in thought and action and which now modifies the rhetorical situation in the present for Deuteronomy's addressed audience.

In the third rhetorical premise, the narrator/authors present the audience with the means with which to make existential choices based on a clear hierarchy of values that the third rhetorical premise embodies. Let us now examine the third rhetorical premise more closely.

> (3) *The statutes, judgments and, teachings that God revealed to Moses and Moses revealed to Israel are just. It is therefore a display of the utmost of wisdom and discernment to follow them, and many blessings will accrue for so doing.*

The basis of the third rhetorical premise rests on one of *The New Rhetoric's* prerequisites of argumentation, which are *premises that focus on the preferable and consists of values, hierarchies and loci about the preferable.*[459] An argument of this type generally employs a concrete instance, relationship or linguistic form to establish a more abstract general principle. It is upon such a premise that the narrator/authors construct arguments that assist the audience to navigate the altered *structure of reality* created by the shift that took place in the second rhetorical premise. The third rhetorical premise, as with the first rhetorical premise, it has an important rhetorical question found in Dt. 4:8.

[459] See 3.8.2(b). Perelman (1982: 21-32).

Several related declarative statements reinforce its importance. However, Dt. 4:6 is a passage unique in Deuteronomy as it appeals to what *The New Rhetoric* calls a *universal audience*.[460] Dt. 4:6 provides a more important clue for understanding Deuteronomy's message than any single verse in the corpus. The third rhetorical premise is contained in the following verses from chapter four.

> 4:1 And now, O Israel, give heed to the laws and rules that I am instructing you to observe so that you may live to enter and occupy the land that the Lord, the God of your fathers, is giving you.
>
> 4:2: You shall not add anything to what I command you or take anything away from it, but keep the commandments of the Lord your God that I enjoin upon you.
>
> 4:6: Observe them faithfully, for that will be proof of your wisdom and discernment to other peoples, who on hearing of all these laws will say, "Surely that great nation is a wise and discerning people."
>
> 4:8: For what great nation has laws and rules as just as all this teaching that I set before you this day?
>
> 4:9: But take utmost care and watch yourselves scrupulously, so that you do not forget the things that you saw with your own eyes and so that they do not fade from your mind as long as you live. And make them known to your children and your children's children.
>
> 4:40: Observe His laws and commandments which I enjoin upon you this day that it may go well with you and your children after you, and that you may long remain in the land that the Lord your God is assigning you for all time.

As with the first and second rhetorical premises, the third rhetorical premise has a host of verses that are associated with it and which reinforce it. These supporting verses

[460] Perelman (1984: 188-196); Crosswhite (1989: 157-173); Golden (1986: 298-304); Velasco (2005: 47-64).

come in three parts. First, are verses that adjure the Israelites to keep the laws, rules, ordinances and teachings. There are fifty verses of this type.[461] Second, are the laws, rules, ordinances and teachings themselves. There are three hundred and six verses of this type.[462] Third, are all the benefits and blessing that will accrue if they do follow through in faithfully adhering to the program. There are eighty-three verses of this type.[463] There are four hundred and thirty-nine verses associated with the third rhetorical premise.[464]

In the third rhetorical premise, the narrator/authors present Moses urging the Israelites to choose a set of high value outcomes by faithfully adhering to the Mosaic laws. The long list of positive outcomes stand in juxtaposition to the negative outcomes contained in the second rhetorical premise. I pointed out in section 4.5.4 above that element (h) of the first rhetorical premise[465] serves a triple purpose in Deuteronomy. To reiterate, while element (h) is essential to Israel's univocal relationship with Yahweh, it is the only element that, in and of itself, creates a temporal shift from past to present and future. Second, it serves as a rhetorical bridge over which the Israelites may carry the heightened sense of obligation (to reciprocate Yahweh's steadfast loyalty created in the

[461] Dt. 4:1-2, 40; 5:1b, 29-30; 6:1-2, 13, 17-18a; 8:1a, 6; 10:12-14, 16-18, 20; 8:11-12; 11:1, 8a, 32; 12:28; 13:1, 4b-5, 19; 26:16-17; 27:1b, 10; 29:1a, 8-11, 13-14, 28; 30:15-16, 20a; 31:9, 12, 22, 30. (50)

[462] Dt. 1:12-18; 4:26-27, 29-31, 39; 5:6-18; 6:3-9, 20; 8:17-18a; 12:1, 5-27; 14:3-29; 15:1-3, 7-23; 16:2-11, 13-20; 17:1, 6-20; 18:1-8, 15, 17-19, 21-22; 19:2-7, 11-21; 20:1-14, 19-20; 21:1b-23; 22:1-29; 23:1-8a, 9-26; 24:1-8, 10-17, 19-21; 25:1-16; 26:2-5, 12-15; 31:10-15, 19, 21b, 26-28; 32:46-47. (306)

[463] Dt. 6:24-25; 7:12-16a; 11:13-15, 18-27; 15:4-6; 19:9-10; 26:19a; 28:1-13; 30:1-14, 19-20; 33:2-29 (83)

[464]Footnotes 460-462 (50+306+83=439).

[465] Element (h): Moses' expounding God's laws, rules, ordinances and teachings for life in the promised land.

first rhetorical premise and the psychologically unsettling modification of the promise to Abraham in the second rhetorical premise), into a place of relative safety. This creates a *new structure of reality* that has Israel living, but always conditionally, under the new framework of those laws, rules, ordinances and teachings expounded by Moses.

In the third rhetorical premise, we find the heart of what is new in Deuteronomy. The shift occurs in three stages. The first rhetorical premise establishes the univocal principle, the second rhetorical premise modifies the first and creates conditionality and the third rhetorical premise creates a hierarchy of values and poses existential choices within the context of the written laws that the narrator/authors judge as being deadly serious but also realistic, as Dt. 30:11-15 explains.

> Dt. 30:11: Surely, this instruction which I enjoin upon you today is not too baffling for you, nor is it beyond reach.
>
> Dt. 30:12: It is not in the heavens, that you should say, "Who among us can go up to the heavens and get it for us and impart it to us that we may heed it?"
>
> Dt. 30:13: Neither is it beyond the sea that you should say, "Who among us can cross to the other side of the sea and get it for us and impart it to us, that we may heed it?"
>
> Dt. 30:14: No, the thing is very close to you, in your mouth and in your heart (*lēb*) to do it.
>
> Dt. 30:15: See, I set before you this day life and prosperity, death and adversity.

The aim of this three part rhetorical move then was to re-orient and alter audience perceptions on a number of levels. The most significant level of reorientation, however, must have come at the emotional level from the sense of insecurity imposed by the new conditionality that was for all practical purposes being imposed upon them. It is true that

the narrator/authors are asking them to make a choice but it may be understood as a difficult choice in any case. They stand at a pivotal moment if bear we in mind their 'situation.' We can observe that in these verses the narrator/authors make their appeal to the rational mind not directly to the emotions. Nonetheless, the tone of the passages serves to relieve the high tension of the moment by suggesting that it would not be too difficult for them to heed the laws, rules and instructions. It is a "think about it for a moment" moment. They have been promised over and over that a lot of blessings will accrue to them if they follow the laws.[466] It is well to remember that this change in tone comes shortly after a list of curses in Dt. 27: 15-26 and a very long list of negative consequences for not following the laws, rule and instructions in Dt. 28: 15-68. The narrator/authors call upon the audience to make fateful choices that will affect their personal, familial and national wellbeing. In this situation we can appreciate the complexity of rhetorical arguments being made.

4.5.6 *The Narrator/Authors Reach Toward a Universal Audience*

In 4.5.5 above, I made reference to the fact that the narrator/authors opened up a discourse that made appeal to what *The New Rhetoric* calls the *universal audience,* and I want to return to that topic again.[467] In Dt. 4:6, the narrator/authors of Deuteronomy appear to set up Israel as a *model* of universal emulation, if only they faithfully observe all the laws of Moses. I repeat it here.

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[466] Dt. 4:40; 5:29-30; 6:17-19, 24; 7:9-12, 14-16a; 8:1a; 11:8-9, 13-15 18-21, 12:28; 28:1-2, 13; 30:16.

[467] The significance of the universal audience for Deuteronomy will be the subject of my concluding chapter.

> Dt. 4:6: Observe them faithfully, for that will be proof of your wisdom and discernment to other peoples, who on hearing of all these laws will say, "Surely, that great nation is a wise and discerning people."

In this verse, the narrator/authors seem to appeal to an unidentified universal audience of "(other) peoples," *(hā'ammîm*; literally, the peoples) who presumably have become aware of Israel's just laws and upon reflection might find themselves in agreement with the wise and discerning approach of the Israelites. With this passage, we reach a unique moment in Deuteronomy's argumentative strategy because it raises a number of important new questions. The first question is what audience of "(other) peoples" or "the peoples" did the narrator/authors have in mind when they wrote those words? Let us review *The New Rhetoric's* ideas about the universal audience as we consider the answer to that question.

One of the central concepts of *The New Rhetoric's* argumentation model is its idea about existence and the role of the universal audience.[468] The concept generated a lot of attention from scholars and there was initially some confusion about it.[469] In his last publication before his death in 1984, Perelman felt compelled to clarify his views on the topic and re-explain what he meant.[470] Perelman took the position that arguments that are accepted only by particular audiences were relatively weaker than arguments that enjoyed unanimous approval, which he thought of as having greater value. Thus, the highest value

[468] Perelman (1969: 31-34), Perelman (1982: 14:18). See 3.8.2.

[469] Ray (1978: 361-375), Ede (1981:122), Goodrich (1987).

[470] Perelman (1984: 188-196).

is reached when there is agreement by a universal audience.[471] *The New Rhetoric* was opposed to the view that the philosophical adherence of a universal audience depended upon the existence of a reality, an objective truth, an established fact, or the plainness of certain theses, which every reasonable person is obliged to accept. The thesis that the New Rhetoric defends is that every philosopher addresses himself to a universal audience *as he conceives it,* even in *the absence of an objectivity,* which imposes itself on everyone. The philosopher develops an argumentation by which he aspires to convince any competent interlocutor.[472] The New Rhetoric makes an important distinction between persuasion and conviction. It applies the term persuasion to argumentation that only claims validity for a particular audience and the term convincing to argumentation that presumes to gain adherence of every rational being (that is, a universal audience). What it distinguishes as to particular audiences is character, persuasion and action, and what it distinguishes as to a universal audience is objectivity, conviction and intellect.[473] For those interested in motivating people to action, persuading is more important than convincing because conviction is a necessary but not a sufficient condition for action. If, however, an individual is more concerned with the rational character of adherence to an argument, primary importance is directed at convincing. Thus, conviction seeks to affect the mind through reason while persuasion seeks to move the will.[474]

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[471] Perelman (1969: 31).

[472] Perelman (1984: 190-191)

[473] Perelman (1969: 29), Long (1983: 108)

[474] Ray (1978: 363).

Returning now to Dt. 4:6 the idea expressed in it seem to stand in contradistinction to the entire narrative thrust of Deuteronomy that is aimed at the particular audience of all Israel. Taking Perelman's ideas about the universal audience into consideration here, we would conclude that in Dt. 4:6 the narrator/authors somehow wants to convince an unidentified universal audience of "(other) peoples" to believe something, while in the rest of Deuteronomy they want to persuade Israelites to take action. One may rightfully ask why it is that throughout Deuteronomy, the narrator/authors go to great lengths to express their negative opinions about the moral decrepitude and profound error of the religious views of the nations. In the third rhetorical premise, however, they seem to insert an argument that deals with questions associated with a philosophy of religion. [475] What about the laws, rules, commandments, and teachings did they view as being valid to a universal audience? Dt. 4:6 raises many more questions. For example, is there a context within Deuteronomy for such a declaration? Are there other lines of evidence in Deuteronomy that would lead one to believe that the narrator/authors had a larger universal audience in mind rather than the particular audience of the Israelites? These questions warrant consideration and I explore them in my final chapter.

[475] Philosophy of religion is the branch of philosophy that is concerned with the philosophical study of religion, including arguments over the nature and existence of God, religious language, miracles, prayer, the problem of evil, and the relationship between religion and the other value-systems such as science and ethics. It is often regarded as part of metaphysics, epistemology and ethics. Further, philosophy of religion differs from religious philosophy in that it seeks to discuss questions regarding the nature of religion as a whole, rather than examining the problems brought forth by a particular belief-system. It is designed such that it can be carried out dispassionately by those who identify as believers or as non-believers.

4.6 *Looking to the Past, Being in the Present and the Vision of the Future*

In the first rhetorical premise the view of the narrator/authors is looking back historically up to the present moment. It seeks to create a sense of moral obligation to follow the teachings because of what happened in the past. The first rhetorical premise reiterates and reinforces the "facts" of Israel's univocal relationship with Yahweh. It is a premise that makes arguments based on the structure of reality.[476] The second rhetorical premise, for its part, looks forward to the future but introduces conditionality regarding future possession of the land based upon loyalty to the Lord and not engaging in apostasy. It works to alter audience perceptions and create a disposition to adhere to the vision of the narrator/authors which is the critical importance of Israel living faithfully under the Mosaic Laws. The third rhetorical premise is also based a *premise that seeks to create a new structure of reality* based upon the obligation transferred from the first and second rhetorical premises.[477] The third rhetorical premise adds to the sense of obligation and contingency the idea of long-term national well-being and international prestige based the will of the individual Israelite to commit to follow the rules, statues, ordinances and teachings expounded by Moses. The argument techniques that underpin these three rhetorical premises aim to set up critical value hierarchies and collective choices that the narrator/authors are intent on Israel making.

[476] See 3.8.4.

[477] See 3.8.5.

4.7 *Establishing Hierarchies of Values: Arguing Through the Use of Models and Anti-Models, Illustration and Examples*

I brought forward the example of Dt. 4:6 above to highlight the narrator/authors effort to set up the Israelites as an international model of esteem. *The New Rhetoric's Argument Schemes* allow us to categorize these rhetorical features of Deuteronomy by making reference to the argument techniques of *model/anti model, illustration* and *example.*[478] For example, in this passage the narrator/authors are also directly addressing the particular audience of Israelites for whom they *illustrate* a high value outcome if they follow the just laws. In other words, in doing so they will become a model of wisdom and discernment. The narrator/authors use *illustration* to increase *presence* in the mind of the audience by engaging their imagination to dispose them to choose the course of action by which to become that model. The narrative provides powerful and motivating visions. Giving the Israelites hope that they might achieve this vision of esteem is a particularly significant postulation given their actual rhetorical situation. Being blessed in their own land and living in peace might have seemed as an incredibly optimistic outcome under their present circumstances. The narrator/authors had already drawn *presence* to lower value outcomes contained in the second rhetorical premise in which they would become an *anti-model*. Israel as *anti-model* comes into effect if she ignores God and Moses' warnings and as a nation begins to commit apostasy in any of its forms of disloyalty. Thus, the narrator/authors pose a fateful choice to audience. Israel collectively and individually must determine what is preferable from what is not. The narrator/authors

[478] See 3.8.5 (o), (p) and (q).

would not have posed this choice as a hypothetical matter; rather they thought of this as a very real problem as we have seen in the passages cited above.[479] Significantly, the narrator/authors have taken pains to make themselves well understood on this point. Israel must choose to be a model or an anti-model. The concern that the Israelites might make the wrong choice is of such paramount concern that the narrator/authors reiterated their admonitions against apostasy in nineteen of Deuteronomy's thirty-four chapters.[480]

I want to illustrate further how the narrator/authors use the technique of creating models and anti-models to establish general principles and value hierarchies in order to encourage the Israelites to make the correct choices. Three well-known model/anti-model incidents recited by the narrator/authors of Deuteronomy make the same overall point about the consequences of disloyalty and apostasy. They are: (1) the incident of the golden calf,[481] (2) the incident at Kadesh-barnea,[482] and (3) the incident at Baal-peor.[483] The first and third incidents involved apostasy and the second incident involved disobedience of the Lord. All three incidents occur prior to entering the land so the consequences are not the same as those anticipated to apply to corporate Israel upon possession of the land. Nonetheless, they convey the same potent message of fateful choices between life and death, between model and anti-model.

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[479] See 2.3 Categories of Apostasy.

[480] See: 2.3 footnotes 189-195, where all forms of apostasy are enumerated in ninety-eight verses.

[481] Ex. 32:1-35; Dt. 9:8-22.

[482] Num. 13-14:45; Dt. 1:19-34.

[483] Num. 25:1-9; Dt. 4:3-4.

4.7.1 *The Incident of the Golden Calf: (Ex. 32:1-35; Dt. 9:8-22)*

The substance of the Golden Calf incident is so well-known that all of its details need not be fully rehearsed here. One should note that many of the details found in Ex. 32 are not in Dt. 9. The story unfolds as Moses is detained on Horeb for an extended period of time while receiving the Ten Commandments from God. Left under the supervision of Aaron, the Israelites had grown impatient. After forty days they begin to think that Moses would not return. To appease them, Aaron instructs them to take off all their gold earrings and bring them to him. Aaron then melts them down and casts a golden calf from the molten metal. The people proclaim the golden calf as their god. The Israelites then built an altar and planned a festival of celebration. God who had been communing with Moses on the mountain, perceives that the Israelites had already strayed from the path. He sends Moses down to confront the Israelites about their disloyal behavior. After seeing what is going on, and how the Israelites are in celebration, Moses smashes the two tablets the Lord had given him and begins to take action to restore order among the people he views as out of control. He immediately burns the golden calf, grinds it to powder, scatters it upon the water and makes the Israelites drink it. Moses then issues the order in Ex. 32:26, "Whoever is for the Lord, come here!" Thereupon the Levites rally to him and they proceed to slaughter three thousand of their fellow Israelites including brothers, neighbors and kin. Later, in asking forgiveness for the great sin that the Israelites had committed, Moses prevails upon God not to abandon the whole nation of Israel and God agrees to "erase from the record"[484] only those who had sinned against

[484] The idiom to "erase from the record" comes from the verb מחה "to wipe clean, wipe out, annihilate, be removed," 'emḥennû missiprî him I will erase from my record." is found in Ex. 32:33. HALOT 567-568. This idiom is also found in Ps. 69:29 and Isa. 4:3. In later reception history we find the notion developed in

Him. Here is established the principle that apostasy is punishable by death. The *model* in this case is the Levites who rallied to the Lord or those who did not participate in the celebration of the Golden Calf. Those who remained loyal lived while those who were disloyal, the *anti-model*, were wiped out immediately.

4.7.2 *The Incident at Kadesh-barnea: (Num. 13-14:45; Dt. 1:19-34)*

We can find a second case of the model/anti-model example in the citations above. This story relates that the Israelites had reached Kadesh-barnea after setting out from Horeb. After traveling through the great and terrible wilderness, they reached the hill country of the Amorites. Moses tells them that God had placed the land at their disposal and they should therefore go up and conquer. The Israelite leaders, feeling hesitant, came to Moses and asked to send twelve men to spy out the land. When the men return to give their report, they present a negative assessment and refuse to go up and conquer, thus flouting the command of God to conquer the land. Only one of the twelve spies, Caleb son of Jepunneh from the tribe of Judah, was willing to follow the command of the Lord. Later in the story, the Israelites take it upon themselves to conquer the land but the Lord had already warned them not to try it. As a result of their stubborn refusal to follow the Lord, God deems the entire Exodus generation above the age of twenty as evil and unworthy to see or possess the land because of their faithlessness and disloyal behavior. Thus, they were forced wander in the desert for forty years and die there. Only Caleb and his descendants lived to see the land and received their portion when they entered the land. Caleb is thus set up as the *model* of faithfulness and given the ultimate

much greater in the post-biblical liturgy for Rosh Hashanah and Yom Kippur. Moses demands that his own life be taken if God will not forgive Israel. Tigay (2004: 186).

reward for a person of the Exodus generation, which was to live to enter the land promised to the fathers. The eleven spies and the Exodus generation above the age of twenty are set up as the *anti-model* of those who were unfaithful and disobedient to the Lord. They receive a harsh punishment as God condemns them to die in the desert. This incident reiterates the general principle that God rewards faithfulness and loyalty, and severely punishes faithlessness and disloyalty. This sets-up a hierarchy of values for the addressed audience of Deuteronomy who are compelled to imagine how they might have behaved were they to have found themselves in that situation. In the rhetorical context of the Pentateuch, which mentions a rather large number of Israelites that went out of Egypt, this was a harsh punishment indeed.[485]

4.7.3 *The Incident at Baal-peor: (Num. 25:1-9; Dt. 4:3-4)*

The third model/anti-model example is the recollection of the incident at Baal-peor mentioned very briefly at the beginning of the fourth chapter of Deuteronomy. Moses says:

> Dt. 4:3: You saw with your own eyes what the Lord did in the matter of Baal-peor, that the Lord your God wiped out from among you every person who followed Baal-peor;
>
> Dt. 4:4: while you, who held fast to the Lord your God are all alive today.

With this brief reference, the narrator/authors reveal their presumption that the audience knows of the details of the story in Num. 25: 1-9. [486] As the text itself states, in

[485] Ex. 12:37-38 mentions 600,000 men on foot, aside from children plus a mixed multitude.

[486] In The New Rhetoric, presumptions are not as certain as facts and truths but can furnish a sufficient basis upon which to rest a reasonable conviction. Here the narrator/authors can presume a level of shared knowledge and can be assured that the example they give will be familiar to the audience and that they can argue from that premise. See 3.8.1(a).

the audience were many who were eyewitnesses to the incident. A great many of their brethren lost their lives because they strayed and worshipped Baal-peor and were thus publicly impaled on Moses' order. They were also condemned for whoring. In this incident too, Moses issues the order to his officials to slay those of his men who had attached themselves to Baal-peor.[487] God himself causes a plague to break out and it only stopped when the wrong doers are dead. Twenty-four thousand died because of the plague. The *model* applies to those who remained loyal to the Lord and remained alive while the anti-model applies to those who engaged in apostasy and whoring and who were wiped-out in great numbers.

These three rhetorically historical incidents serve to establish the general principle that God rewards loyalty with life, which is of higher value than the *anti-model* of worship of foreign gods, or other forms of disobedience that are viewed as disloyalty to the lord and punishable by death (which is obviously an outcome of lesser value). A *model* of behavior that equates loyalty with life versus an *anti-model*, which equates disloyalty with death establishes a potent hierarchy of values for the audience. Interestingly, in the golden calf incident three thousand died by summary execution because of apostasy. In the matter the incident at Kadesh-barnea, there was no summary execution, but the entire generation over the age of twenty was condemned to die in the desert because of the disobedience of the eleven faithless spies and the stubbornness of those who tried to conquer the land in spite of God's warnings. In the incident at Baal-peor, twenty-four thousand died for apostasy and whoring. Perhaps the narrator/authors

[487] Num. 25:4-5.

wanted to establish the idea that the generation of the conquest had gained a measure of faithfulness in the eyes of the Lord, as the entire generation was not condemned to die in the wilderness because of the actions of a few. In alignment with the third rhetorical premise, the ones who remained faithful are deemed worthy to enter the land, but only under strict sanctions, and only on a contingent basis established by the second rhetorical premise.[488] In all three incidents, the golden calf, Kadesh-barnea, and Baal-peor, all occurring at critical junctures in the narrative, the narrator/authors present the Israelites as being of questionable reliability on the issue of faithfulness. They are very apt to stray from the path and the text of Deuteronomy makes this point repeatedly, culminating in the curses of Dt. 28:16-68.[489] Nonetheless, the narrator/authors are making it a matter of personal agency whether or not to follow the path.

4.8 *Arguing by the Creation of Presence: The Rhetorical Impact of Visual Imagery*

In section 3.8.3 above, we discussed the critical role that presence plays in the conduct of argument in the NRP's model. The NRP took the position that a rhetor creates presence by projecting certain important elements into the audience's mind with the intention of making those elements occupy the foreground of the hearer's consciousness. The rhetor highlights these subjects in order to inspire the mind and give it a certain orientation, the aim of which is to provoke immediate action. He does this by appeal to the audience's opinions, convictions and commitments and confers on them a value hierarchy or rank of

[488] Dt. 29:18.

[489] Dt. 8:2-5; 9:5-7; 9:12-14.

importance.[490] Let us now consider how the narrator/authors created presence so that we can understand its emotional and argumentative appeal. I want to give four examples of how the narrator/authors used visual imagery to create *presence* in the mind of the audience intended to lead to choosing high value outcomes and to taking action.

4.8.1 *Standing on the Other Side of the Jordan: (Dt. 1-4:45)*

Let us now return to Moses' First Discourse Dt.1-4:45 and look at it from the perspective of visual imagery. In it, the narrator/authors review not only the history of Israel's relationship with God since the Exodus from Egypt, but all the hardships they faced, and all of the problems of disobedience and disloyalty that came up over the years. In these chapters, the narrator/authors begin to bring into focus the beginning of their conquest and apportioning of the land. The narrator/authors remind their audience that it was God's hand that was making this happen as Dt. 2:24-3:20 reveals. The themes of God's actions on behalf of Israel and Israel's frequent lack of faith in the Lord is central to this narrative sequence as Dt. 1:26-33 highlights. In order to highlight the significance of these events in the mind of the audience, the narrator/authors use dramatic visual imagery and familiar geographic references to create presence in the mind of the audience. This was intended to encourage identification, receptivity and adherence to the arguments that were about to come. The argument in this discourse, as we have detailed above, was to establish and make *present* Israel's univocal relationship with Yahweh.

[490] Perelman (1984: 33-40).

The narrator/authors depict Moses as speaking to vast audiences assembled before him under highly dramatic circumstances in the Jordan Valley. Moses' delivers orations to his fictionalized invoked audience, framed by the voice of the narrator/author, and heard by the audiences of contemporary Judeans, as we have discussed above. The locations of these important past events, however, occur at familiar locations up and down the Jordan Valley, the Arabah, Sinai and the land of Israel.[491] Presumably, the rhetorical audience, that is, the ones who actually heard the text read to them or read Deuteronomy themselves, identified with those stories because all the locations were within their conceptual frame of reference. Culturally and geographically, this was their story, homeland and God. This was not a legendary tale about Adam and Eve removed in time and place. This was a story about them in the past that resonated in their time and in their place, because it was the same place that these events occurred. This created an emotional identification with the story that heightened its *presence*. Parenthetically, for those familiar with the dramatic topography of the Jordan Valley, as both narrator/authors and the actual addressed audiences no doubt were, the Dead Sea would have been within visual range as a foreground and a high desert mountain range would serve as the backdrop for Moses' orations.[492] Thus, visual familiarity with the physical setting of Moses' discourses would have enhanced both *identification* and *presence*. The intentional creation of *presence*

[491] Horeb, Hesbon, Ashteroth, Edrei, the Arabah, the Negeb, the Shephelah, Seir, Kadesh, wadi Zered, Moab, the Arnon, Aroer, Bashan.

[492] The mountains of Moab and Ammon are easily visible from the city of Jerusalem.

enhances certain ideas that the narrator/author wished to highlight to the audience and strengthens adherence to the arguments being made. The aim of this rhetorical devise was to foster identification, a willingness to listen, and a disposition to act.

4.8.2 *"Let Us Not Die:" (Dt. 5:19-27 and Dt. 9:8-10:2)*

Another example of use of dramatic visual imagery for the creation of *presence* takes place in Moses' Second Discourse. Two sequences, Dt. 5:19-27 and Dt. 9:8-10:2, recount the dramatic events at Horeb where the voice of God spoke from the midst of the fire as He was giving the Ten Commandments. The mountain was ablaze to the farthest reaches of heaven. The verses in Dt. 5:19-27 are a greatly condensed version of the same story found in Exodus 19-24, and continuing in Exodus 32-34. The story recounts how Moses received the Ten Commandments[493] from God and conveyed them verbally to the Israelites and then, after receiving the laws of the covenant [494] also conveys them verbally to the Israelites. The next morning, after setting up an altar, the Israelites take part in a ceremony where they enter into the covenant with God [495] after which Moses writes down all the words of the covenant.[496]

The sequence begins with Moses recalling to the Israelites that they were

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[493] Ex. 20:2-14.

[494] Ex. 20:19-23:33: The Covenant Code.

[495] Ex. 24:4-8.

[496] Ex. 24:4a.

cowering in fear after hearing God's voice. At that time, they begged Moses to intercede on their behalf, lest they die during another close encounter that would be at the same time auditory, visual, numinous and terrifying. On several occasions, they promise to do all that the Lord had spoken,[497] as they found themselves in the overwhelming presence of God and feared for their lives. The addressed audience no doubt felt a sense of *identification* and *mutual fictionalization* with the predicament of their ancestors. The addressed audiences probably felt that they too would have been completely emotionally unprepared for such an event. We must presume that the addressed audiences knew the details of the story that the text of Deuteronomy omits.

> Dt. 5:20: When you heard the voice out of the darkness while the mountain was ablaze with fire, you came up to me, all your tribal heads and elders,
>
> Dt. 5:21: and said, " The Lord has just shown us His majestic Presence, and we have heard His voice out of the fire; we have seen this day that man may live though God has spoken to him.
>
> Dt.5 22: Let us not die, then, for this fearsome fire will consume us; if we hear the voice of the Lord any longer, we shall die.
>
> Dt. 5:23: For what mortal ever heard the voice of the living God speak out of the fire, as we did, and lived?
>
> Dt. 5:24: You go closer and hear all the Lord our God says, and then tell us everything that the Lord our God tells you, and we will willingly do it.

Once again in Dt. 5:23, we see the use of a rhetorical question, which self-

[497] Ex. 19:7-8; 20:16; 24:3-4.

evidently reinforces the argument that the narrator/authors are in the process of making about Israel's univocal relationship with God. In highlighting these dramatic events, a kind of awe struck moment occurs in the text. The narrator/authors create by the use of visual imagery, a feeling of being in the great fearsome presence of God—close, personal and vulnerable. The Israelite witnesses of the invoked audience obviously felt their lives were at risk in that moment. By this device, the narrator/authors achieve a heightened sense of *presence* and *mutual fictionalization* in the mind of the addressed audience that is also intended to result in a willingness to act. Since they heard the voice of the living God and lived, they feel compelled to do whatever the Lord demands of them.

4.8.3 *The Ceremony on Mt. Gerazim and Mt. Ebal: (Dt. 27:1-26)*

The third example of dramatic visual imagery occurs in the description of the ceremony that is to take place on Mt. Gerazim and Mt. Ebal once the Israelites have crossed the Jordan and moved up into the hill country. This highly-visual sequence comes near the end of Deuteronomy. Moses and the elders instruct the Israelites what to do when they cross the Jordan.

> Dt. 27:2: As soon as you have crossed the Jordan into the land that the Lord your God is giving you, you shall set up large stones. Coat them with plaster.
>
> Dt. 27:3a: and inscribe upon them all the words of this teaching.
>
> Dt. 27:4: upon crossing the Jordan, you shall set up these stones about which I charge you today, on Mt. Ebal and coat them with plaster.

Dt. 27:5: There too you shall build an altar to the Lord your God, an altar of stones. Do not wield an iron tool over them.

Dt. 27:6: you must build the altar of the Lord your God of unhewn stones. You shall offer on it burnt offerings to the Lord your God.

Dt. 27:7: and on these stones, you shall inscribe every word of the teaching.

Dt. 27:12: After you have crossed the Jordan, the following shall stand on Mt. Gerazim when the blessing for the people is spoken: Simeon, Levi, Judah, Issachar, Joseph and Benjamin.

Dt. 27:13: And for the curse, the following shall stand on Mt. Ebal: Reuben, Gad, Asher, Zebulun, Dan and Naphtali.

Dt. 27:14: The Levites shall then proclaim in a loud voice to all the people of Israel.

Repeated twice in the first sequence, is the instruction to write down every word of the teaching. Evidently, the narrator/authors conceptualized a very large plastered surface to contain every word of the teaching. Thus, the narrator/authors evoke dramatic visual imagery for a ceremony of immense importance to the Israelites. A ceremony that was both the culmination of their long odyssey that began with the promise to Abraham and now ended with their occupation of the land and the beginning of a new chapter in their lives. Here we see the restructuring and transformation of Israel's structure of reality.

As the ceremony envisions two sets of tribes standing on two different mountains that faced each other across a valley, we can only presume the existence of some natural auditory faculty that allowed the two groups to hear one another. These dramatic images were, no doubt designed to engage the mind

and emotions of the addressed audience and create the mutual fictionalization of being present at such an event and thus being ready to commit themselves as their forbearers had been when the moment arrived.

4.8.4 *The Death of Moses: Moses as Model and anti-Model (Dt. 34: 1-8*)

We find a fourth example of dramatic visual imagery in the final framing sequence in of Deuteronomy which depicts the circumstances of Moses' death on Mt. Nebo at the summit of Pisgah. Moses expires on the summit of Pisgah after the Lord shows him the whole land that he would not be allowed to enter.

> Dt. 34:1: Moses when up from the steppes of Moab to Mount Nebo, to the summit of Pisgah, opposite Jericho, and the Lord showed him the whole land: Gilead as far as Dan;
>
> Dt. 34:2: all Naphtali; the land of Ephraim and Manasseh; the whole of the land of Judah as far as the Western sea;
>
> Dt. 34:3: the Negeb; and the Plain—the Valley of Jericho, the city of palm trees—as far a Zoar.
>
> Dt. 34:4: This is the land of which I swore to Abraham, Isaac and Jacob, "I will assign it to your offspring." I have let you see it with your own eyes, but you shall not cross there.
>
> Dt. 34:5: So Moses the servant of the Lord died there, in the land of Moab, at the command of the Lord.
>
> Dt. 34:6: He buried him in the valley in the land of Moab, near Beth-peor; and no one knows his burial place to this day.
>
> Dt. 34:7: Moses was one hundred and twenty years old when he died; his eyes we undimmed and his vigor unabated.
>
> Dt. 34:8: And the Israelites bewailed Moses on the steppes of Moab for

thirty days.

God punished Moses for his failure to uphold His sanctity at Meribah by striking the rock rather than order it as God had instructed him.[498] Consequently, Moses was condemned by God to die on the other side of the Jordan and never to enter the promise land. Moses' burial in the valley near Beth-peor occurred at a location where a serious act of disobedience and punishment occurred. Moses restored order in that case. It is therefore a double irony that Israel's greatest prophet is buried in a place that no one knows the location. This was Moses, God's unequaled and faithful prophet and servant, who led the Israelites out of slavery, and who led them for forty years through the wilderness wanderings. With exquisite irony, God lays Moses to rest with other nameless Israelites who had also been disobedient to the Lord in the valley of Beth-peor. Here, both the *presence* of Moses as model and anti-model come together in equal measure. Recognizing the esteem in which Moses was regarded by the people, and perhaps sensing the danger of extreme adulation of the prophet were his burial location identified, adulation that might border on apostasy, the narrator/authors have God bury Moses in a completely obscure grave. This point too was probably not lost on the audience that could actually see the vicinity of Mt. Pisgah whenever they made a pilgrimage to Jerusalem. These powerful and dramatic scenes and narratives served the rhetorical purpose of awakening in the audience a disposition to act in accordance with the teachings.

[498] Num. 20:2-13

4.9 Summary

In this chapter four we have seen how particular aspects of Perelman's Argument Schemes and ideas may usefully be applied to provide structure and a new vocabulary for understanding the rhetorical argumentation that occurs in Deuteronomy. We can also now appreciate that the entire corpus of Deuteronomy can be embraced as a rhetorical unit within Perelman's theory. Let us now proceed to the final chapter of this study, Chapter Five: Conclusion—*The Enduring Legacy of Deuteronomy: Embracing the Particular and Reaching for the Universal.* In this final chapter, we will return to a subject that I raised in 3.7.2 and 4.5.6 above regarding the narrator/authors reaching out to a universal audience. In this final chapter, we will examine the different lines of evidence that suggest that the narrator/authors had certain lofty universalistic ideas and goals in mind when they penned Deuteronomy.

Chapter Five: Conclusion

The Enduring Legacy of Deuteronomy: Embracing the Particular and Reaching for the Universal

Abstract

In this study, we have analysed how the narrator/authors argued rhetorically and we were able to describe the structure they created thanks the work of Chaim Perelman, Lucie Olbrechts-Tyteca and the other researchers mentioned in this study. We have been able to reveal the existence and arrangement of the three main rhetorical premises that the narrator/authors constructed and through them come to understand that Deuteronomy may be seen as a singular rhetorical unit united thematically across all internal boundaries of the text. Significantly, we noticed in our study of Deuteronomy's audience that Dt. 4:6-8 was a unique statement in the narrator/authors vision of a new structure of reality for Israel's future. Dt. 4:6-8 clearly addressed a universal audience and this raised the obvious question as to whether or not there were other lines of evidence to suggest that the narrator/authors of Deuteronomy were thinking beyond the particular audience of Judeans when they composed their work. In this chapter which concludes our study we will continue to explore the significance of the address to a universal audience in Deuteronomy by examining each of the three main rhetorical premises we have identified to search for evidence of the type of notions of universality that the narrator/authors may have had in mind.

5.1 *Embracing the Particular: The Audience is Everything*

In *The New Rhetoric*, the audience is the ultimate arbiter of the value and validity of the arguments made by the rhetor.[499] In Deuteronomy, the primary focus of its narrative was the situational needs of the audience of Judeans that were to receive the

[499] Crosswhite (1989: 157-173), Perelman (1969: 31-35).

text. That is why we can say that aside from God, Moses and the narrator/authors, the audience is everything in Deuteronomy. While God is presented as eternal and transcendent, Moses and the narrator/authors were presented as existentially ephemeral. The audience, however, was presented by design, as the renewable resource in the complex of time, place and situation and thus, what was meant to endure. The narrator/authors emphasis on teaching and learning of *tôrâ* by the generation of Judeans who received it and their role as active participants in passing it on to the next generation who would receive it from them allows us to comfortably reach this conclusion. When one adds reception history to the biblical narrative, the matter can be said to flow in a certain way: Divine intervention by God, human mediation by Moses, ongoing possession by the people of a sacred document that the narrator/authors told the Israelites not to add or subtract from it.[500] In describing the flow in this way, however, we need to separate between the rhetoric of the text and what actually occurred for Deuteronomy it to arrive to its final form.[501]

5.2 *Reaching Toward the Universal*

There exist several lines of evidence in Deuteronomy that reveal the narrator/authors had more universal goals in mind when they undertook in their compositional efforts. In section, 4.5.6 above, I made reference to the *The New*

[500] Dt. 4: 2; 5:29a; 13:1; 28:14a.

[501] The artifact that has been the subject of this study has been the final received form of the text and studied as a synchronic whole. Thus, we have not addressed questions of redaction and revision of previous versions of Deuteronomy, which were part of its evolution to its final received form. These issues are well known but by their nature are diachronic which makes them beyond the scope of this rhetorical critical study. On issues of redaction and revisions, see Levinson (1997, 2008), Fishbane (1988), Davies (2015: 301-316), van der Toorn (2007: 75-108).

Rhetoric's and Perelman's ongoing discussion of the notion of a universal audience. I pointed out that the narrator/authors made a direct appeal to this notion in Dt. 4.6, which is reinforced by Dt. 4:7-8. Let us look at those two verses again:

> Dt. 4:6: Observe them faithfully, for they will be proof of your wisdom and discernment to other peoples, who on hearing of all these laws will say, "Surely, that great nation is a wise and discerning people."
>
> Dt. 4:7: For what great nation is there that has a god so close at hand as is the LORD our God whenever we call upon Him?
>
> Dt. 4:8: Or what great nation has laws and rules a just as all this teaching that I set before you this day?

In those three verses, the narrator/authors set up Israel as a model of wisdom and discernment in the eyes of the "peoples" if they faithfully observe all the just statutes, judgments and instructions commanded for them. The narrator/authors' clear reach toward a universal audience in those passage is open to a number of interpretations which I now want to explore

The most uncomplicated way to begin to address this question is to recall that *The New Rhetoric* took the stance that arguments addressed to a universal audience were stronger than those addressed only to a particular audience.[502] Perhaps, the narrator/authors thought that by making such statements they were strengthening the credibility of their arguments in the eyes of the Judean audience. They may been asserting the idea of a broad universal appeal for their "just" laws, or their emergent monotheistic views for "rhetorical" purposes, while not necessarily trying to

[502] Perelman and Olbrechts-Tyteca (1969: 31).

conceptualize in what way this might be the case. This is one possible but unlikely interpretation because as members of a class of literate elites they were no doubt aware of and most likely in contact with other similar literate elites in neighboring lands and were no doubt aware of their thinking on matters of gods, divine images and worship practices. This would argue that they did not make their statements in a vacuum but rather with intention of their views becoming known. Another interpretation is that the narrator/authors sensed what Perelman and Olbrechts-Tyteca and others were well aware of—that the type of philosophically based rhetorical argumentation they advocated had a certain inherent weakness. The weakness that Perelman recognized is similar to Plato's critique of the Sophists which was that argumentation that did not proceed from or seek to establish self-evident objective "Truths" left an audience subject to manipulation by a rhetor. Perelman had several objectives in mind as he developed his concept of the universal audience. His primary one was to better distinguish between merely effective and genuinely valid arguments. Perelman was trying to avoid becoming vulnerable to the charge that *The New Rhetoric* too, was only a form of flattery, pandering to particular audiences with particular interests, desires, and plans.[503] The narrator/authors of Deuteronomy, however, studiously avoided the pitfall of being overly particular by not letting anything important to their message come out of anyone's mouth without the *imprimateur* of God or Moses. Apparently, the narrator/authors were also aware of the problem we are discussing. Thus, it was because the narrator/authors attributed the words they were conveying to a divine source that they were able to avoid the charge of unethical audience manipulation, even though they were the ones inventing the discourse!

[503] Crosswhite (1989:162-163).

We should ask whether or not Deuteronomy would have had the same force and effect if it was written with just the Levitical priests as the authors, without Moses or God in it, or if it had been attributed to a particular Judean king. It thus became a question of believability and authority. It is very likely, then, that by believing that God and Moses were their frame of reference, they felt a sense of legitimacy that compelled them to address themselves to the universal audience of other literate classes given the international character of their political and religious environment. The narrator/authors may have thought that the arguments they had in mind were entirely "reasonable" in that context, so as to begin a philosophical conversation around the issues they chose to put in the foreground by giving them presence in their composition. We should also not rule out they were also motivated by political considerations as well, such as working to rhetorically inspire the Judeans to seek a future with a different kind of allegiance without directly challenging the political hegemony of their Neo-Assyrian overlords. [504]

Whether or not an argument is "reasonable," was in Perelman's view something equivocal. Obviously, what was considered "reasonable" varies in time and in space and what is reasonable for a particular audience may not be reasonable for a universal audience.[505] Perelman wrote:

> Thus it is that the word "reasonable" in a philosophical discourse affirms the concurrence of the universal audience when the same word in the sentence of a judge affirms only the agreement of the people of his environment and of his time. But the discourse of a philosopher himself and his conception of the

[504] For political considerations behind certain biblical texts see, Rendsburg (1997: 47-69); Brettler (1997: 71-92).

[505] Perelman (1984: 193).

> universal audience is not the discourse of a god—of a universal and eternal truth—but that of a man, inevitably conditioned by the understandings, the aspirations, and the problems of his milieu. Hence, the inevitable pluralism in philosophy where incontestable truth does not exist. The universal audience that one seeks to convince must necessarily include the orator himself who is the principle judge of the value of his arguments. This is the reason why such a discourse must be sincere, honest, and cannot consist of a manipulation of the audience.[506]

So, what may have seemed "reasonable" to our narrator/authors may not have seemed so to an audience outside their immediate environment of Israelites, but they nonetheless had their own concept about matters of universality. As this line of reasoning relates to argumentation in Deuteronomy, the narrator/authors formulated arguments that, first and foremost, sought to persuade the particular audience of Israelites to take action. They wanted them to recognize where their own self-interests lay in their immediate situation and save themselves from destruction by taking personal responsibility for the future of the collective body politic. At the same time, however, it seems that they did have some specific ideas in mind that they regarded as not only "reasonable" to a wider audience, but universally valid as well. We can suppose that, in part, their appeal to a universal audience was tangentially aimed at the Neo-Assyrians with whom they had the immediate occasion to interact on matters of religion and politics and the same might be said about their later interactions with the Babylonians.[507]

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[506] Perelman (1984: 194).

[507] Levine (2005: 411-427).

The divine source, and therefore the unassailable purity of their message and motives, perhaps, in their minds opened up the opportunity to expand their horizons by presenting a serious challenge to the intellectual and cosmological structure of reality of other societies in the ancient Near East. The question became at that stage, how and around what issues they might conceptualize and construct arguments to a wider audience that they realized did exist. We need to bear in mind, however, that there is no standard of universality. Thus, we need to try to place ourselves in the role of the narrator/authors and think about their *rhetorical situation* and their historical context as we begin to imagine how they went about the construction their own universal audience.

5.3 *Universalizing Elements in the First Rhetorical Premise*

> (1) *Israel has a unique and univocal relationship with Yahweh in which he has shown steadfast loyalty to Israel and now demands loyalty and faithfulness in return.*

As we begin our search for the universalizing element in the first rhetorical premise stated above, let us bear in mind that *The New Rhetoric*, proposes that there are several methods of constructing a universal audience. They begin, however, with the notion that all universal audiences begin with a particular audience. The rhetor then must perform certain imaginative operations on his speech or text in order to give it a universal character.[508] According to Crosswhite, one of *The New Rhetoric's* methods, which seems particularly useful as a starting point for our analysis of Deuteronomy, is the idea that the

[508] Crosswhite (1996:144-145).

rhetor needs "to set aside all the particular, local features of the audience and consider only those features of the audience one considers universal."[509]

If we now consider the individual elements of Deuteronomy's first rhetorical premise, that is, elements (a) through (h) above,[510] one could argue that individually most of them are particular to the storyline and do not necessarily, at first glance, have universalistic qualities in and of themselves. In this case, however, taken as a whole I think it is not possible to eliminate the particular to get to the universal, because they are not presented in Deuteronomy or in the Hebrew Bible as elements disconnected from one another. For this reason, it seems that an opposite approach is required in the case of Deuteronomy. In fact, we must add the particulars to understand the universality of the message that the narrator/authors convey. Let us bear in mind that within the context of our discussion—when we are looking for a universal element—we are looking for something that may propose, or bring into existence, a different *structure of reality* in the eyes of the peoples or immediate neighbors. Therefore, let us take a closer look at the narrative context of verse Dt. 4.6 and then begin to consider why it has universal appeal.

> Dt. 4:5: See, I have imparted to you *statutes and judgments* as the Lord my God has commanded me, for you to abide by in the land that you are about to enter and occupy.
>
> Dt. 4:6: *Observe them faithfully, for that will be proof of your wisdom and discernment in the eyes of the peoples, who on hearing all these laws will say, "Surely, that great nation is a wise and discerning people."*

[509] Crosswhite (1996: 144-145).

[510] See section 4.5.1

Dt. 4:7: For what great nation is there that has a god so close to it as is the Lord our God whenever we call upon him?

Dt. 4:8: *Or what great nation has statutes and judgments as just as all of this instruction that I set before you today?*

Dt. 4:9: But take utmost care and watch yourselves scrupulously, so that you do not forget the things you saw with your own eyes and so that they do not fade from your *heart* as long as you live. And make them known to your children and your children's children.

Dt. 4:10: The day you stood before the Lord your God at Horeb, when the Lord said to me, "Gather the people to Me that I may let them hear My words, in order that they may learn to revere Me as long as they live on earth, and may so teach their children."[511]

Dt. 4:11: You came forward and stood at the foot of the mountain. The mountain was ablaze with flames to the very skies, dark with densest clouds.

Dt. 4:12: The Lord spoke to you out of the fire; you heard the sound of the words but perceived no shape—nothing but a voice.

[511] In the above passages, and other passages I will cite in this chapter, I have amended the JPS translation in certain places to render a more faithful translation of the Hebrew words in the text. For example, in verses Dt. 4:5, 8; JPS uses the translation of חקים ומשפטים (*ḥuqqîm umišpātim*) as "laws and rules," when a more accurate rendering is "statutes and judgments." In verse Dt. 4:6, JPS translates the phrase לעיני העמים *(lĕʿênê hāʿammîm*) as "other peoples," but a more accurate translation is "in the eyes of the peoples/nations." In verse 4:8, JPS translates the phrase התורה הזאת (*hattôrâ hazzoת*) as "this teaching," and while the translation "this teaching" is not excluded, a more common translation is "this instruction." It is often used synonymously with *huqqîm* and *mišpātim* (See HALOT 1710).

5.3.1 *How Knowledge of the Divine is Acquired*

Ryan O'Dowd has written about the universal distinctiveness of these passages. In them, the narrator/authors reveal their views on epistemology as it relates to acquiring knowledge about the immanence and transcendence of their God, Yahweh.

> The divine knowledge that Israel gained in Egypt and the desert takes on universal distinctiveness as expressed in the 'inner frame' of Deuteronomy 4:5-8 and 4:32-39 (where the outer frame is 4:1-4 and 4:40-49). The opening frame (4:5-8) promises Israel that if she keeps the commandments it will be her 'wisdom' and 'understanding' in the sight of the nations (v.6, twice). Obedience also communicates the 'nearness' (*qrb*) of Israel's God whenever she calls upon him: 'For what great nation is there that has a god so *qrb* to it as Yahweh our God is to us…(v.7). Finally, obedience confirms the 'righteousness' of the rules and statues (4:8b) and Torah (4:8c) which Moses sets before them 'this day.' Deuteronomy thus continues to build upon this insistence that how and what one knows is tied to the ethics of obedience. There is inherent virtue required to 'know' this God.[512]

In these passages, Israel acquired its knowledge of God in two different ways. First, what they come to "know" about Yahweh, they gain because Deuteronomy's invoked audience saw it directly demonstrated in front of their own eyes in Egypt and afterward. The second is that later generations have eye witness testimony upon which to rely. The above passages themselves evoke a duality of transcendent and immanence as does the scene of Yahweh speaking out of the fire at Horeb in Dt. 4:11-12. This constituted acquisition of knowledge based on sight, sound and the emotional experience of being a witness to and participant in unprecedented events that were transformative for

[512] O'Dowd (2007: 8).

all Israelites. These events transpired prior to receiving the Ten Commandments at Horeb.[513] This was knowledge acquired through the experience of the senses, that is, through the filter of the rational mind and it is therefore "reasonable" to rely on it. Therefore, knowledge in Deuteronomy is not something pre-existing but is rather acquired through direct experience.

The second way that the Israelites acquire knowledge of their God, after receiving the Law, is through obedience to those statutes, judgments, and instructions given by God through Moses. This is knowledge gained through actualization, that is, through and by the act of obeying the laws of the *tôrâ*, teaching the future generation and remembrance. In fact, O'Dowd writes, actualization is the goal of Deuteronomy's injunctions to 'teach' and remember. Deuteronomy enjoins the community to teach the next generation, using the Hebrew root למד / *lamad*, "to teach," (D-stem) "to learn" (G-stem) sixteen times.[514] If actualization is the path to knowledge of the "truth" about Yahweh, then it is the opposite of how knowledge of the "truth" gets acquired in Plato's view. Plato thought that "truth" was best apprehended through isolated contemplation of something that was a pre-existing thing to be discovered. In fact, we will recall that the Sophists, who were well aware of the limitations on the acquisition of knowledge, sought to ground abstract notions in the actuality of everydayness.[515] The narrator/authors of Deuteronomy appear to take the same approach. They ground knowledge of God in

[513] Dt. 5:19-22.

[514] O'Dowd (2007:9-11); Dt. 4;1, 5, 10, 14; 5:1, 31; 6:1; 11:19; 14:23; 17:19; 18:9; 20:18; 31:12, 13, 19, 22. (16).

[515] Poulakous (1999: 26).

events experienced directly and through adherence and obedience to His laws by which they can experience Yahweh's immanent presence and transcendent protection.[516]

The third universalizing element in Deuteronomy, closely related to the first and second one, comes in referentially in verse Dt. 4:9. This is God's and Moses' struggle with Pharaoh, his courtiers, wise men, sorcerers and magicians, prior to the Exodus as told in Ex.7:1-12:51) which demonstrates Yahweh's transcendence over the gods and nation of Egypt. The narrator/authors of Deuteronomy operate under the presumption that not only does their audience already know these stories, but many were eyewitness to them.[517] Central to the message of this struggle is the demonstration of Yahweh's transcendent power over Pharaoh and all that Egypt represents. Many times, God is deliberately acting to rule the heart of Pharaoh for the purpose of revealing His unmatched power by "multiplying his signs" so as to make the Pharaoh act against his own interests.[518] According to the biblical narrative, Pharaoh and his advisers are compelled to recognize Yahweh's power over them.[519] The visual imagery of this dramatic confrontation, in fact, creates presence for the idea that the God of a people enslaved by the mighty Pharaoh is transcendent over Egypt's spiritual structure of reality.

Here again we see the use of the metaphor of the heart, this time Pharaoh's heart, as a key player in this drama.

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[516] O'Dowd (2007: 9-11).

[517] Dt. 4:20, 34, 37, 44-46.

[518] Ex. 7:13; 8:15, 9:35; 10:1, 20, 27; 11:10.

[519] Ex. 8:4; 9:27-28; 10:7, 16, 24, 11:8; 12:31-32.

> Ex. 7:3: But I will harden the Pharaoh's heart, that I may multiply My signs and marvels in the land of Egypt.
>
> Ex. 7:4: When Pharaoh does not heed you, I will lay My hand upon Egypt and deliver My ranks from the land of Egypt with extraordinary chastisements.
>
> Ex. 7:5: And the Egyptians shall know that I am the Lord when I stretch out My hand over Egypt and bring out the Israelites from their midst.

Extending *The New Rhetoric's* model/anti-model argumentation device to this context, we can see that Moses and Aaron who are following God's instructions have become a model in the eyes of the Israelites. As for the Pharaoh, who is opposing God's intentions, he is placed in the role of the anti-model doomed to destruction. We only have to recall how Pharaoh, his warriors, chariots and horse men met their end to know that this was one of the main points of the storyline.[520] That which was demonstrated to both the Egyptians and the Israelites was not through words alone, but primarily through Yahweh's mighty deeds. It was this type of knowledge, that is the assertion and actuality of Yahweh's demonstrable singular transcendence and immanence [521] that is referred to in Dt. 4.9 and which the narrator/authors did not want the Israelites to ever forget.[522] This was the starting point of fear, reverence and love for Yahweh repeatedly demanded by Yahweh throughout Deuteronomy.[523]

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[520] Ex. 14:26-31.

[521] Dt. 4:35; 10:14, 17.

[522] Dt. 10:20-22.

[523] Dt. 4:10; 5:26; 6:2, 5, 13, 24; 10:12, 22; 11:12-13, 22; 18:13; 19:9; 26:16; 30:6, 16.

To summarize, there are three important universalizing aspects of the "Israelite experience" that are bound up with the first rhetorical premise that the narrator/authors were giving *presence* in Deuteronomy: (1) knowledge of Yahweh's transcendence and immanence is acquired through the direct experience of the senses by demonstration to the Israelites;[524] (2) knowledge and experience of God's presence is acquired through the actualization of obedience to *tôrâ,* teaching the next generation and remembrance of Yahweh's great deeds on their behalf; (3) Yahweh's willingness to revel His universal qualities of immanence and transcendence through His deeds.

5.4 *Universalizing Elements from the Second Rhetorical Premise*

> (2) *The unconditional promise of the land to the fathers is now made conditional. Continued possession of the land is contingent upon faithfully following Moses' law, rules, ordinances and Teachings and not engaging in any form of disloyalty especially apostasy, as it is a matter of life and death.*

We began our discussion in the Introduction of this study by saying that apostasy was the primary rhetorical problem in Deuteronomy. We defined the scope of apostasy in chapter two by laying out all the practices associated with it that the narrator/authors wanted to exclude from Israelite thought, practice and presence in the land.[525] The second rhetorical premise stated above ties the prohibition against engaging in apostasy with continued possession of the land. The narrator/authors had to find a way to argue against practices they wanted to depict as a growing threat to Israel, practices that had deep roots in both Israelite and Canaanite culture, and throughout the ancient Near

[524] Dt. 4: 36-36, 39.

[525] See section 2.3.1.

East.[526] A significant element of their rhetorical situation was the presence of the Neo-Assyrians. I am not arguing the Neo-Assyrians were imposing their religious practices on the Judeans. Opinions differ on that subject. Studies done in the 1970s concluded that the Neo-Assyrians had not imposed their religion upon their vassals.[527] This conclusion has been undergoing a reappraisal in recent years and a different picture may be emerging.[528] Nonetheless, one would be hard pressed to say that the destruction of the northern kingdom of Israel and the submission of Judah to the Neo-Assyrians as a vassal kingdom was without impact on the lives of the surviving Judeans up and down the social hierarchy. I am arguing, as have others, that in the era of Deuteronomy's creation, apostasy had become particularly acute due to multiplying effect of the Neo-Assyrian presence and the international character of the era. Clearly, there were a number of competing forces, pressures and influences as well as long-standing cultural traditions that were in transition. It was the impact of these forces that, not surprisingly, appear to have elicited a strong theological response from the religious circles of Israelites and Judeans who directly experienced it.[529]

Current scholarship recognizes that the religious pluralism in the land puts the rhetoric in Deuteronomy somewhat at odds with certain aspects of the religious life that pre and co-existed the era of Deuteronomy's creation.[530] While we certainly cannot write

[526] For the cultural continuum, see the works of Niehr (2010: 23-26) and van der Toorn (1997: 239-248).

[527] McKay (1973), Cogan (1974).

[528] Holloway (2002), W.G. Dever and S. Gitin (2003: 548-550), Levine (2005: 411-427).

[529] Levine (2005: 411-426), Braulik (1999:13-32), Smith (2008: 133-184) Milgrom (1998: 1-18).

[530] Stavrakopoulous and Barton (2010: 1-8).

a general history of Israelite religion based upon Deuteronomy alone, Deuteronomy was nonetheless an important part of the religious and intellectual history of the late-monarchic era and afterward and a source of much useful information about the era of its creation. As such, at a minimum Deuteronomy represents a distinct rhetorical "turn" in Judean and Israelite religious philosophy on a number of fronts as a response their rhetorical situation. This background to Deuteronomy's creation fostered a response wherein its representation of apostasy shows clear intent to take Israelite religion in decidedly new and universalistic directions. Mark Smith has identified this period as one characterized by Israel's rejection of the religious translatability that existed in the Late Bronze and early Iron Ages due to the strong cultural impact of Assyrian influences.[531] In the context of our discussion, the narrator/authors viewed apostasy as a huge *situational* problem among others, and addressed it rhetorically within the framework of larger programmatic goals for the Israelite people that they defined in Deuteronomy.

There is another side to the struggle against apostasy, however, that goes largely unexplored, and that is its cosmological and therefore universalistic implications. Apostasy, as I have been using the term, refers to the renunciation of particular religious or political beliefs. What this renunciation means in Deuteronomy is that Yahwistic Israelites of the Exodus generation would actually abandon their own belief system, and adhere to particular concepts and practices mentioned throughout Deuteronomy that are represented as "foreign" and as coming from the indigenous inhabitants of the land they were about to dispossess, as well as from the nations that surrounded Israel.[532] Let us

[531] Smith (2008: 148-156).

[532] Dt. 20:17-18.

explore this topic in terms the *structure of reality* that the narrator/authors of Deuteronomy wished to extirpate from the practice and consciousness of the Israelite population.

In fact, there are five categories into which we can place the narrator/authors' polemic against apostasy. The Hebrew Bible citations for these categories are found in section 2.3 above.[533]

1. *Bowing down to serve other gods*: This includes being lured away to serve other gods, particularly from the nations surrounding Israel, intermarrying with foreigner citizens, or learning about their religious practices.
2. *Prohibition against making idols or images of any kind*: This includes, divine images, images of man or woman, beasts, insects, fish, winged creatures, anything that flies in the sky, molten images made by hand, sacred posts, stone pillars, any image of heaven including the moon, stars and the heavenly host above, or waters below.
3. *Prohibition against engaging in mantic practices*: The ban includes, consigning a son or daughter to the fire, augury, soothsaying, divination, sorcery, casting spells, consulting ghosts or familiar spirits, or inquiring of the dead.
4. *The requirement to destroy foreign religious symbolism:* This includes, tearing down their altars, smashing their pillars, cutting down and burning their sacred posts, consigning their images to the fire, not coveting the gold or

[533] See section 2.3 footnotes 189-195.

silver from destroyed idols or images, destroying and obliterating all the sites where the nations worship, wherever they are found in the land.

5. *Derisive terminology related to foreign gods and practices:* Terms such as, act corruptly, abhorrent, abominable, alien, detestable, futilities, demons, no-gods, become a snare, something proscribed were used to refer to the practices of the "foreign" nations.

If we attempt to reduce the above categories further, we could say that there are: (1) the narrator/authors' opinions about foreign worship in general, (2) the types of behaviors and practices that they forbid, and (3) instructions about what to do when one encounters these things. The narrator/authors of Deuteronomy are rejecting aspects of the polytheistic structure of reality of which Israelite culture had long been a part. They also express a strong desire to extirpate that way of thinking, even if it involved physical acts of violence against their own citizens.[534] Therefore, we can understand from this aspect of the discourse that this was not a theoretical discussion on their part, and in fact, was not slated to be part of any persuasive discussion at all. They wanted to smash and burn all "foreign" representations of the divine, whatever they were and wherever they were found, and kill all those engaged in such matters. This rejection occurs within a set of theological arguments that juxtaposes the injunctions against apostasy with an emerging one-God worldview, which was beginning to find clear expression in Deuteronomy.[535]

[534] Dt. 13:13-19; 17:2-7.

[535] Dt. 5:35, 39; 6:4; 10:14; 32:7-9, 39.

It is no coincidence, then, that the beginning of the Second Commandment, Dt. 5:8-9, which forbids the making of any kind of image, immediately follows Dt. 5:7b, the First Commandment that insists that Israel worship no other god than Yahweh, as these two these themes are tied together in Deuteronomy.[536]

> Dt. 5:7b: You shall have no other gods besides me.
>
> Dt. 5:8: You shall not make for yourself a sculptured image, any likeness of what is in the heaven, or on the earth below, or in the waters below the earth.
>
> Dt. 5:9: You shall not bow down to them or serve them.

It is also no coincidence that the first law of Deuteronomy's Code (Dt. 12-26) is Dt. 12:2-3, the law that requires the smashing, burning and obliterating places and objects of foreign worship and divine representation. It was so important to the narrator/authors that it occupied first place in the Law Code. Thus in Deuteronomy, we are witnessing both the emergence of an iconoclastic one-God structure of reality which required the rejection of all divine representation through images coupled with the assertion of an aniconic conception of Yahweh.[537] The Israelite idea of the imageless transcendent divinity, whatever its origin,[538] was meant as a serious challenge to the existing structure of reality that allowed for the open-ended multiplicity of divine representation and to that

[536] Dt. 4:25-26; 6:13-14; 11:13-17.

[537] Dt. 4:11-12, 15-20, 36; 5:20-23. See Feder (2013: 251-274); Mettinger (1997:193-204); Hendel (1997: 205-228).

[538] Mettinger (1997: 173-204).

aspect of the cosmological order of the ancient Near East that embraced that concept.[539] This was no small matter, as this stance had both profound theological importance and potentially serious political ramifications. John Walton has written that in the polytheistic view,

> The order of the cosmos in the ancient Near East was focused on the world of the gods. Organization had been brought to the divine realm through the birth of deities, and assignment of roles in the ordered world. The gods lived in a society with hierarchical structures by which they related and operated. The equivalent of civilization operated at this level, and the features of that civilization were an important part of the ordered cosmos.[540]

On the practical level, the physical manifestation of a man-made divine image "functioned in the cult as a mediator of divine presence. It was the means by which humans gained access to the presence of a deity."[541] This is the view and the part of the ancient cosmological order that Deuteronomy violently rejects. This is the reason for the narrator/authors to want to draw a clear relationship between adherence to the laws and the rejection of polytheistic forms of worship especially the prohibition against images of all kinds.[542]

Karel van der Toorn has suggested that perhaps the laws of the Torah were meant to serve as a substitute for divine images. He suggests that later, in the Babylonia period,

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[539] Cornelius (1997: 21-44), On cults of the dead in ancient Israel, see Lewis (1989: 99-169).

[540] Walton (2007:187).

[541] Walton (2007: 117-118).

[542] Dt. 4:23-24.

a functional correspondence existed between the divine image among the surrounding nations and the Torah among the Israelites.[543] Van der Toorn writes:

> The question is not, or not only, whether Israelites worshipped images, but whether they had symbols which for all practical purposes served as divine images for them. This was the case, I submit, for the Torah. In the book of Deuteronomy, there is a direct relation between the prohibition of images and the propagation of the written law.[544]

If we accept the idea that the narrator/authors were engineering a radical shift in Israelite cultural norms, about their God and how the Israelites should worship Him, then they needed to be prepared to have something with which to replace common practice that the Israelite audience could grasp and then hold on to for dear life. That was the whole point and the narrator/authors knew this was going to be a huge leap. Because it would take a huge commitment and dogged persistence, they made sure to insist that the adults constantly be involved in learning and contemplation every day and in every place, morning until night and that is why they put so much stress upon the education of their children.[545] Here, as van der Toorn has suggested, the connection between the adherence to the written laws and the prohibition against images, finds its significance going forward.

The significance of the narrator/authors' response to their rhetorical situation having taken written form is the decisive innovation in Israelite religion that guaranteed

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[543] Van der Toorn (1997: 229-248).

[544] Van der Toorn (1997: 226-248).

[545] Dt. 4:9-10; 6:1-2, 7-9, 20-25; 11:18-21; 30:1-4.

its survival. Edgar W. Conrad points out that the Hebrew Bible represents books as having their origin in writing, and the written word is represented as the basis of orality.[546] There is much more complexity to written/oral dynamics, but such explorations are beyond the scope of this present study.[547] After being written and placed in "good hands," the document then becomes available, on occasion, for the general population to hear it read and explained to them orally.[548] The book in Conrad's thinking did not lead to silence, but rather to speech, and it is clear that this was the intention of the narrator/authors. If we want to identify symbolic representations in Deuteronomy that might arguably become stand-ins for divine images, we can cite Dt. 6:6-9.

> Dt. 6:6: Let the words that I command you today be upon your heart.
>
> Dt. 6:7: Impress them upon your children. Recite them when you stay at home, and when you are away, when you lie down and, when you get up.
>
> Dt. 6:8: Tie them as a sign on your hand and let them serve as mark on your forehead;
>
> Dt. 6:9: inscribe them on the doorpost of your house and on your gates.[549]

From the above discussion, we can see how the problem of apostasy in Deuteronomy came to represent a conscious struggle against a central aspect of the cosmological order of the ancient Near East. It presented an open challenge to the idea of the validity of the structure of reality that embraced an open-ended multiplicity of divine

[546] Conrad (1992: 46); (Sonnet 1997); van der Toorn (2007: 9-26).

[547] See, for example, R.D. Miller (2011), D. Carr (2007; 2001) and F.W. Dobbs-Allsopp (2015).

[548] Watts (1995: 540-557). See also Dt. 31:9-13.

[549] See also Dt. 11:18-21.

representation through images. This is at the heart of the universal element in the Second Rhetorical Premise. The ban on images and practices associated with them had, in principle, practical consequences for the life of everyday Israelites who were challenged to embrace Deuteronomy's religious norms. But, this change in concept, over time raised an unprecedented theological challenge to the adherents of the traditional religions of the ancient Near East and beyond—a challenge that not only resonated down through history, but eventually prevailed in Western civilization to a remarkable degree. It is in this sense that one can speak of a deliberate act by Israelite theologians which became an axis of intellectual and religious history.

5.5 *Universalizing Elements from the Third Rhetorical Premise*

> (3) *The statutes, judgments and teachings that God revealed to Moses and Moses revealed to Israel are just. It is therefore a display of the utmost wisdom and discernment to follow them, and many blessings will accrue for doing so.*

In looking for the universal element in the third rhetorical premise stated above, it should be remembered that it was based upon premises that focus on the preferable and consists of values, hierarchies and loci of the preferable.[550] The narrator/authors specifically mention in Dt. 4:8 that the statutes, judgments and all this teaching are "just" (צדקים / *ṣaddîqim*), and this characterization helps us narrows down our search significantly. Thus, the element or elements of potential interest to a universal audience in the third rhetorical premise have something to do with Israel's ideas about the general

[550] See section 4.5.3.

topic of justice, or how justice functions in its society, or how it functions in its religious structure of reality, or all of the above.

It is significant that the narrator/authors of Deuteronomy link the pursuit of justice with thriving and remaining in the land.[551] In *The New Rhetoric's* lexicon,[552] this idea establishes a value hierarchy that sets up a choice for the Israelites to maintain high ethical standards in their social interactions, by pursuing justice, or face expulsion.[553] This is also an important clue that tells us that we are looking in the right place. It becomes a matter of national importance then when perpetrating injustice is called out as abhorrent to the Lord your God.[554]

Let us now examine the general notion of how justice is pursued in Deuteronomy by looking at the contexts where concern for it is expressed. We have seen in footnote # 510 above, that the terms statutes, judgments, and other terms like laws, rules, ordinances, and commandments are often used interchangeably, thus making it difficult to say exactly which was which, except when the text uses specific vocabulary.[555] There may have been distinct differences between those terms that the narrator/authors understood, but it is difficult to establish clear differentiating criteria for saying one

[551] Dt. 16:20; 25:15.

[552] Perelman (1982: 26-29).

[553] Dt. 16:20.

[554] Dt. 25:16.

[555] Dt. 24:21.

statement is a "law"(חקים / *ḥūqqîm*)[556] and another a "judgment," (משפטים / *mišpāṭîm*)[557] a "commandment" (מצוה / *miṣwā*) [558]or an "instruction" (תורה / *tôrâ*).[559] This does not present us, however, from noticing that some distinctions can be drawn, whatever the terminology one might wish to apply to a specific verse, set of verses, or a short pericope. It is easy to notice that there are various types of statements found in Deuteronomy's narrative sections and in the Law Code that have different characteristics. For example, there are imperative statements that are both straight forward and clear as we find in Dt.16:18-20.[560]

In the case of Dt. 16: 18-20 we have an example of a set of directions that are unambiguous. Such and such is what you will do when you enter the land. Whether these passages are a law, statute, ordinance, etc., is hard to tell. What we can say is that they appear to have the characteristic of a direct order or command. These verses portray the Israelites as a nation concerned with matters of justice.

> Dt. 16:18: You shall appoint magistrates and officials for your tribes, in all the settlements that the Lord your God is giving you, and they shall govern the people with due justice (משפט צדק / *mišpat-ṣedeq*)**.**
>
> Dt. 16:19: You shall not judge unfairly: you shall show no partiality; you shall not take bribes, for bribes blind the eyes of the discerning and upset the pleas of the just (דברי צדקים / *dibrê ṣaddîqim*).

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[556] HALOT: 346-7: law, regulation, prescription, rule, divine statute.

[557] HALOT: 651-2: decision, judgment, case, law, dispute.

[558] HALOT: 622-3: (individual or set of) commandment(s), commission, obligation.

[559] HALOT: 1710-12: instruction (as synopsis or embodiment of instructions), decision, established instruction, rule.

[560] See Dt. 7:5, 25.

Dt. 16:20: Justice, justice (צדק צדק / *ṣedeq ṣedeq*) shall you pursue, that you may thrive and occupy the land that the Lord your God is giving you.

By contrast, there is another category of statements that offer guidance in circumstances that may be somewhat ambiguous, or not immediately clear-cut. These statements offer a method to clarify particular conditional situations that have arisen in order to remain in a state of adherence to the covenant and to administer fair justice. In this regard, we can cite Dt. 17:2-9.

Dt. 17:2: If there is found among you, in one of your settlements that the Lord your God is giving you, a man or a woman, who has affronted the Lord your God and transgressed His covenant

Dt. 17:3: turning to the worship of other gods and bowing down to them, to the sun or moon or any of the heavenly host, something I never commanded—

Dt. 17:4: and you have been informed or have learned of it, then you shall make a thorough inquiry. If it is true, the fact established, that abhorrent thing was perpetrated in Israel,

Dt. 17:5: you shall take the man or the woman who did that wicked thing out to the public place and you shall stone them, man or woman, to death.

Dt. 17:6: A person shall be put to death only on the testimony of two or more witnesses; he must not be put to death on the testimony on one witness.

Dt.17:7: Let the hands of the witnesses be the first against him to put him to death, and the rest of the people thereafter. Thus, you will sweep out evil from your midst.

Dt. 17:8: If a case is too baffling for you to decide, be it a controversy over homicide, civil law, or assault—matters of dispute in your courts—you shall promptly repair to the place that the Lord your God has chosen

Dt. 17:9: and appear before the Levitical priests or the magistrate in charge at that time, and present your problem.

In this case, we have a set of judicial procedures for determining guilt that can deal with an instance of apostasy occurring in one of the settlements. The procedures outlined are ones that could stand up to modern judicial scrutiny. Accusation, investigation, a trial that requires more than one witness to convict, verdict, and sentence if guilt is established. The passages do not indicate whether or not a judge or magistrate was required, even though it is a capital case involving life and death. This set of procedures also allows for a court of appeals for those cases that are too baffling for the local magistrates in Dt. 17:10-19.

5.5.1 *The Ways of the Israelites: Justice at the Heart of Religion*

In the preceding section above, I highlighted two separate sets of verses that deal with the topic of justice. Let us take a closer look at some additional contexts where the narrator/authors use words with the root (צדק /*ṣdq*),[561] with the meaning "justice," and related synonyms or grammatical forms using that root. The narrator/authors use words with this root thirteen times in various contexts—seven times in Deuteronomy's narrative sections and six times in its legal code.[562] In addition, it is necessary to chronicle the instances in Deuteronomy where questions of justice are at stake where the root (צדק / *ṣdq*) is not involved.

[561] HALOT: 652/#1.

[562] From the narrative sections: Dt. 1:16, 6:25; 9:4, 5, 6; 33:19, 21. (7) From the law code 16:18, 19, 20; 24:13; 25:1, 15. (6)

The first time the narrator/authors use a word with the root (צדק / *ṣdq*) in Deuteronomy is in Dt. 1:16-17. This occurs when God orders Israel to leave Horeb and head for the hill country of the Amorites. At that time, Moses complained to God about the burden of dealing with all the troubles the Israelites continually brought to him. God instructed him to how to organize the Israelites for the journey and it was in this context that Moses appoints magistrates for the tribes. In this case, the key phrase means "administer justice or pass justice upon them." Israelite judges are to render equitable and impartial justice, whether those in conflict are Israelite natives, strangers or rich or poor persons.

> Dt. 1:16: I charged your magistrates at that time saying, "Hear out your fellow men and *administer justice* (שפטתם צדק / (*šĕpaṭtem ṣedeq)*.[563] between any man and his fellow Israelite or stranger.
>
> Dt. 1:17: You shall be impartial in judgment: hear out low and high alike. Fear no man, for judgment is God's. And any matter that is too difficult for you, you shall bring it to me and I will hear it.

The next set of verses come in the context of a retrospective in Dt. 6:24-25. Here the narrator/authors anticipate a time when future children will ask about the decrees, laws and rules that God had commanded, and the reason for following them. Here, the word צדקה (*ṣĕdāqâ*), is understood in this context as "acting with justness."[564] Here the concern is to act justly before the Lord through observance of His commandments.

[563] HALOT: 1625:/#1-3.

[564] HALOT: 1006/4.

> Dt. 6:24: The Lord commanded us to observe all these laws, to revere the Lord our God, for our lasting survival, as is now the case.
>
> Dt. 6:25: We will be *acting with justness* before the Lord our God if we faithfully observe all these commandments, as He commanded us.

The next set of verses in this sequence comes, in the context of the conquest of the land in Dt. 9:1-7. The narrator/authors have God putting a check on the false pride the Israelites might be feeling regarding their success in subduing and dispossessing their enemies. In this case, the phrase (בצדקתך / *bĕṣidqātĕkā*) is best understood as "your just deeds."[565]

> Dt. 9:4: And when the Lord your God has thrust them from your path, say not in your heart "The Lord has enabled us to possess this land because of our *just deeds*;" rather, it is because of the wickedness of those nations that the Lord is dispossessing them before you.
>
> Dt. 9: 5: It is not because of *your just deeds* or your *uprightness* that you will be able to possess their country; but it is because of the wickedness of those nations that the Lord your God is dispossessing them before you, and in order to fulfill the oath the Lord made to your fathers, Abraham, Isaac and Jacob.[566]

Another example displaying Israel's concern for justice is Dt. 24:12-13 where loans and pledges are addressed. A creditor may not enter the house of the debtor to seize his pledge. He must remain outside and let the man who made the pledge bring it out to him. Dt. 24:12-13 describes the special consideration that a needy man must receive if he

[565] HALOT: 1006/ #6.

[566] See also Dt. 8:17-18.

pledged his garment or cloak for a debt. In these verses, the word (צדקה / *ṣědāqâ*), again has the sense of "acting justly." [567]

> Dt. 24:12 If he is a needy man, you shall not go to sleep in his pledge;
>
> Dt. 24:13: you must return the pledge to him at sundown, that he may sleep in his cloak and bless you; and you will be *acting justly* before the Lord your God

In another case, which addresses fair dealing in commerce, Dt. 25:13-16 insists upon completely honest weights and measures, and in particular the abhorrent nature of dealing unjustly. Here, in Dt. 25:15, the phrase (שלמה וצדק / *šělēmâ wāṣedeq*) has the meaning of being "completely accurate, or accuracy."[568]

> Dt. 25:13: You shall not have in your pouch double stone weights, larger and smaller.
>
> Dt. 25:14: You shall not have in your house double corn measures, larger and smaller.
>
> Dt. 25:15: You must have *completely accurate* stone weights, you must have *completely accurate* corn measures, so that your days may be lengthened on the soil that the Lord your God is giving you.
>
> Dt. 25:16: For it is abhorrent to the Lord your God, everyone who does those things, everyone who does injustice.

In reviewing these instances of where and how the narrator/authors apply the concept of justice in Deuteronomy, when the root (צדק / *ṣdq*) is used, we see that it is applied across a range of topics. We can say that there are three different aspects, relations, or levels of justice that are touched upon in the above sets of passages. First,

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[567] HALOT: 1006/ #3.

[568] HALOT: 1005/ #1.

there is an expectation that magistrates will render impartial justice for all who appear before them to adjudicate their disputes whether their status be high or low, stranger or needy. Second, there is an expectation for citizens to act justly toward their fellow countrymen—be they strangers, the needy, male or females slaves, widows or the fatherless—in all their various social interactions, whether or not a legal authority is present to compel it. This tells us that the narrator/authors recognized an inner sense of ethical consciousness to be generally present in the population. Third, there is a theocentric framing of the topic, which expressed the expectation that citizens act justly before the Lord by observing His commandments.

Significantly, if we now take a closer look at Deuteronomy's Law Code (Dt. 12-26) as a unit, we find that there are thirty-nine sets of passages, each set representing one topic, involving one hundred and fifty-five verses that deal with some aspect of justice or social equity.[569] Of those thirty-nine sets of passages or topics, three deal with legal procedures in court proceedings and involve twenty-one verses.[570] Of the remaining thirty-six sets of passages or topics, one hundred and thirty-four verses deal with legal, ethical, or issues involving matters of social justice or equity between individuals, but without use of the root (צדק/ *ṣdq*). Below are listed a series of examples.

Dt. 14:27-29 deals with the case of providing for the needs of the Levites in the community. Every third year, Israelites will bring out the full tithe but let it remain in

[569] Dt.13:13-17; 14:27-29; 15:1-3, 7-11, 12-18; 17:2-13; 18:1-9; 19:2-13, 14, 15-20; 20:5-9, 19-20; 21:1-9, 10-14, 15-17, 18-21, 22-23; 22:1-3, 4, 5-7, 8, 13-21, 22, 23-28; 23:16, 20 ,25; 24:1-4, 5, 6, 7, 10-13, 14-15, 16, 17, 19-21; 25:1-3, 5-10, 13-16. (155)

[570] Dt. 17:2-13; 18:15-20; 25:1-3. (21)

their settlement, so that the stranger, widow and the fatherless may come and eat their fill.[571]

Dt. 15:1-3 and 7-11 deals with the case of remission of debts every seven years. The passages enjoin creditors from dunning a fellow Israelite, but they are allowed to dun a foreigner. An Israelite is enjoined not to harden his heart and not to shut his hand against a needy kinsman; rather, he must open his hand and lend him sufficient for whatever he needs.

Dt. 15:12. Though shocking to our modern sensibilities, Deuteronomy recognized the existence of slavery between Israelite citizens. However, the slave must be released after six years and is not to be sent away empty-handed. The slave owner must provide to the released slave out of the flocks, threshing floor and vat that the Lord has provided him. The slave owner is reminded that the Israelites were once slaves in Egypt.[572]

Dt. 16:13-15 instructs the Israelites to include their sons and daughters, male and female slaves, the Levite, the stranger, the fatherless and the widow in their festivities after the ingathering from their threshing floors.

Dt. 24:19-21 offers three instances during the ingathering of fields, olives trees and grape vines where the farmer is enjoined from going over those fields, olive trees or

[571] Dt. 18:1-9 covers the same ground concerning the Levites in greater detail, but does not mention the widow, stranger or the fatherless.

[572] Of course, any interaction over the question of slavery cannot be associated with justice in our modern sense of the word. Nothing about slavery is just. But, we are not judging the Israelites by our modern standards of justice, but rather by their own standards, however much we may object to them. It brings to mind Perelman's thoughts about the contingent status of what is thought to be reasonable.

vineyards a second time. What remains, he is to leave for the stranger, the fatherless, and the widow. The farmers is then asked to remember that the Israelites were slaves in Egypt, and therefore they should observe this commandment.

Dt. 25:7 provides a death penalty for one who kidnaps a fellow Israelite, who then enslaves that person or sells him.

Key passages in these various texts are Dt. 6:24-25, 16:18-20, and Dt. 25:15-16. These are the passages that make the explicit connection between the pursuit of justice and Israel's ability to survive and thrive in land they were about to occupy. Dt. 25:16 goes so far as to say that perpetrating injustice is abhorrent to the Lord—thus placing injustice in the category of behaviors like apostasy that are intolerable to Yahweh and that jeopardize continued residency in the land.

From our brief review of seven of the thirty-nine contexts in which matters involving justice are at stake, we can observe how our narrator/authors express a high degree of concern for the topic, both in the number of times it is highlighted in the text, and in the breadth of the subjects it covers. Be it in a law court where magistrates are required to render impartial justice, or trials over apostate behavior, the freeing of slaves, providing for the needy, strangers, widows, and fatherless, or in other non-adjudicated interactions among the population at large, the concept of justice being served is expected to be understood at the individual level throughout society. The legal statements in Deuteronomy seem to assume an inherent sense of ethics in character of the individual Israelite, but not without exception, otherwise why would magistrates be necessary. Walton has written that in the ancient Near East the people were informed by a socially

attuned conscience and, that ethical responsibilities and not morality were the basis of conscience.[573]

To sum up our findings from the third rhetorical premise, we have seen that Dt. 4:8's claim of "just" laws is not made without foundation from the perspective of the narrator/authors. Our review of Deuteronomy's broad concern with social justice shows that it was deeply embedded in the narrator/authors' thinking. Because of it substantial occurrence, it can stand as another source of its thematic unity which cuts across all internal divisions of the text and also as the basis of their universalistic claim.

5.6 *The Narrator/Authors Construct their Universal Audience on Three Points*

From our review of the universalizing elements found in the three rhetorical premises we can now say that the narrator/authors constructed their vision of a universal audience based on three points: epistemology, cosmology, and the centrality of social justice in its legal code:

(1) Epistemology: In the first rhetorical premise, we have seen the narrator/authors present the issue of how Israelites were to acquire knowledge of the divine. Knowledge of divine immanence and transcendence was not acquired through any divinatory methods or association with divine representation by images but through the senses of sight, hearing, and rational common sense, especially knowledge apprehended by direct personal experience. Israelites infer God's universal transcendence by personal witness

[573] Walton (2007: 152-153).

of God's deeds in prevailing over the polytheistic spiritual reality represented by the Pharaoh of Egypt in the Exodus story.

(2) Cosmology: In the second rhetorical premise, we have come to understand that the prohibition against engaging in behavior considered to be apostasy was at its core meant as a challenge to the cosmological stance that embraced the notion that the divine may be apprehend through the open-ended multiplication of divine images, divination and mantic practices. The Israelites through the words of the narrator/authors lay claim to a cosmological order that allows for a single transcendent aniconic divinity.

(3) Social Justice: In the third rhetorical premise, we have come to see that the claim made in Dt. 4:8, that there is something particularly "just" about Israel's laws, has as its basis the large amount of actual legal material in the corpus that concerns itself with social justice. The text of Dt. 4:6 claims that faithful observance of the laws and rules will be proof of Israel's wisdom and discernment, and that other peoples who hear about it would agree with that assessment. In the opinion of the narrator/authors, the special "just" character of those laws was their basis for claiming their universal validity.

I would like to return for a moment to what we have said about the universalizing element of the second rhetorical premise. The negation of the validity of idea of the open-ended multiplicity of divine representation through images would of necessity raise a huge challenge to the cosmological order of the ancient Near East that was both theological and practical, and carried with it profound ramifications that are closely related. The absence of such an option in the religious structure of the ancient Near East

would of necessity left a gap in the sense of deciding what the focus of religious practice and worship of a divinity ought to entail. The answer to this question is found in the third rhetorical premise, which presented the positive consequences of adherence to the Mosaic statutes, judgments and instructions and by not engaging in any forms of apostasy as we now understand its meaning. This brought into focus the narrator/authors' objective, which was to present the Israelites with a value hierarchy and a choice of which vision to embrace. By creating this choice and posing it in terms of a hierarchy of values, they could begin to navigate the consequences of: (1) the invalidity of the idea of the open-ended multiplicity of divine representation through images, and (2) the banning of all forms of polytheistic religious practice. We can say that the focus on learning the written laws and faithfully adhering to them for all the reasons that the narrator/authors provided in the narrative offered a replacement for what was being invalidated. According to Deuteronomy, the everyday concern with trying to please the gods, or their images, or trying to figure out their will at any particular moment and in any particular circumstance by numerous divinatory methods was no longer relevant. For the Israelite, Deuteronomy directly addressed the questions of the very nature of God, and how He was to be thought of, and how the everyday Israelite was to worship Him. It was by these provocative ideas that the narrator/authors constructed their universal audience.

5.7 Final Comments and Findings

We have covered a lot of ground in this study, from a brief review of the beginnings of Greek and Hebrew rhetoric up to and including the rebirth of rhetoric in the twentieth century and the birth of rhetorical criticism in bible studies beginning in the 1970s. We can appreciate the utility of using an interdisciplinary approach to

understanding, situation, audience, informal argumentation, and rhetorical discourse in contingent circumstances. We have identified many concepts that have allowed us to look at and describe the rhetorical argumentation presented in Deuteronomy in new ways, and perhaps we now understand it differently than before.

There are two primary findings of this study. The first is that Deuteronomy can be understood a single rhetorical unit. Its rhetorical structure can best be comprehended by the three main premises articulated above which can account for the entire corpus. One can describe its premises, methods of argumentation and audiences by the terminologies that are available in *The New Rhetoric*. My second finding is that the narrator/authors of Deuteronomy were addressing two main but different audiences in the text. The first audience was particular to the Judeans in the era of its creation and which was meant to address its situational requirements. The second audience was a universal one. It was through their appeal to a universal audience that the narrator/authors established their most enduring legacy.

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